

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR PUBLIC HEARING

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THURSDAY

MARCH 18, 2021

+ + + + +

The Regular Public Hearing of the District of Columbia Zoning Commission convened via Webex, pursuant to notice at 4:00 p.m. EDT, Anthony Hood, Chairperson, presiding.

OFFICE OF ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY HOOD, Chairperson
- ROBERT MILLER, Vice Chairperson
- PETER SHAPIRO, District Resident
- MICHAEL G. TURNBALL, Architect of the Capitol Designee
- PETER G. MAY, National Park Service Designee

OFFICE OF ZONING STAFF PRESENT:

- PAUL YOUNG, Zoning Data Specialist

The transcript constitutes the minutes from the Regular Public Hearing held on March 18, 2021

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T-A-B-L-E O-F C-O-N-T-E-N-T-S

Case No. 20-34 Jemal's Cotton Annex, LLC 5

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P-R-O-C-E-E-D-I-N-G-S

(4:00 p.m.)

CHAIRPERSON HOOD: Good afternoon, ladies and gentlemen. Today's date is March 18th, 2021, the time now is 4:00 p.m. We are convening and broadcasting this public hearing by video conferencing. My name is Anthony Hood, and I am joined by Vice Chair Robert Miller, Commissioner Shapiro, Commissioner May, and Commissioner Turnball.

The subject of tonight's hearing is the Zoning Commission Case No. 20-34. This is under Subtitle I, Section 581, special exception review of development proposal in the D-8 Zone at 300 12th Street, S.W.

Again, Anthony Hood, Vice Chair Miller, Commissioner Shapiro, Commissioner May, and Commissioner Turnball. We are also joined by the Office of Zoning staff Ms. Sharon Schellin (phonetic) and Mr. Paul Young, who will be handling all of our virtual operations. I meant to thank Mr. Young today at the oversight and I forgot, but I think I included everybody -- la de da de and everybody, so I think you were included as well, Mr. Young. I want you to know that we really appreciate you and at the budget, if they ask me to say something, be sure, Ms. Schellin, to remind me to do that.

Others will introduce themselves at the appropriate time.

The virtual public hearing notice is available on the

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1 Office of Zoning's website. This proceeding is being recorded
2 by a court reporter and platforms used are Webex Live, Webex, and
3 YouTube Live. The video will be available on the Office of
4 Zoning's website after the hearing.

5 All persons planning to testify should have signed up
6 in advance and will be called by name at the appropriate time.

7 At the time of sign-up, all participants will complete
8 the oath or affirmation required by Subtitle Z 408.7.
9 Accordingly, all those listening on Webex or by phone will be
10 muted during the hearing and only those who are signed up to
11 participate or testify will be un-muted at the appropriate time.

12 When called, please state your name and home address
13 before providing your testimony. When you are finished speaking,
14 please mute your audio.

15 If you experience difficulty accessing Webex or your
16 telephone call-in, or have not signed up, then please call our
17 OZ hotline number at 202-727-5471.

18 If you wish to file written testimony or additional
19 supporting documents during the hearing, then please be prepared
20 to describe or discuss it at the time of your testimony.

21 The hearing will be conducted in accordance with the
22 provisions of 11-Z DCMR Chapter 4 as follows. Preliminary matters
23 of applicant's case, the applicant has up to 60 minutes. A report
24 of the Office of Planning and District Department of
25 Transportation, a report of other government agencies, a report

1 of the ANC -- in this case, I believe it's 6-D. Testimony of
2 organizations, five minutes, and individuals, three minutes. And
3 we will hear in the following order from those in support,
4 opposition, and undeclared. Then we will rebuttal and closing
5 by the applicant.

6 Again, the OZ hotline number is 202-727-5471 for any
7 concerns during this proceeding.

8 Before I go to preliminary matters, I do have a
9 statement I would like to read. Just give me a moment.

10 (Pause)

11 CHAIRPERSON HOOD: Okay, here we go. Thank you for
12 your patience.

13 Tonight's case, 20-34, this is an additional opening
14 statement comment to kind of help gear our comments for tonight.
15 It's always good to begin with the end in mind. So, before we
16 begin this hearing, I am going to read the legislative standard
17 that applies to this case. It will be repeated in the final
18 order if and when this is approved going forward.

19 This is a design review case, which is a form of special
20 exception. It is not a PUD where the Commission is balancing
21 public benefits against zoning relief and potential adverse
22 effects.

23 In deciding a special exception case, the Commission
24 is limited to a determination of whether the Applicant met the
25 requirements of the exception sought. "The Applicant has the

1 | burden of showing that the proposal complies with the
2 | regulations, but once that showing has been met the Commission,
3 | ordinarily, must grant the application." This quote is from the
4 | case from Georgetown Resident Alliance v. the District of
5 | Columbia Board of Zoning Adjustment. It was decided by the D.C.
6 | Court of Appeals in 2002. That's part of the legal standard.

7 | The other part, "To support such a finding, the
8 | Commission must rely on substantial evidence in the record to
9 | support the Commission's conclusion." That's from the Dorchester
10 | Association v. the District of Columbia Board of Zoning
11 | Adjustment case, decided in 2009.

12 | Substantial evidence is defined as relevant evidence
13 | which is reasonable, a fact it would find adequate to support a
14 | conclusion. It does not require the Commission to address with
15 | particularity all arguments that are made in a case. That's from
16 | the case of Levanduski (phonetic) v. the District of Columbia
17 | Board of Zoning Adjustment, decided in 2004.

18 | I brought this up because as I look through the files
19 | -- and I'm not going to read the rest that I have here, but I
20 | look through the files, it did concern me that we're going -- we
21 | don't want to make sure -- we want to make sure, residents, we
22 | don't do this all the time. Understand what the standard -- what
23 | the test is for this application in front of us this evening.

24 | While it's always good when an advocate and a community
25 | work together, this is not germane to our process and it has no

1 bearing on the type of case we have before us tonight.

2 Again, while it is always good when an applicant and
3 the community work together, the benefit package, the amenities
4 or whatever it's going to, is not germane to our process and has
5 no bearing on the type of case we have before us tonight.

6 So let us begin. Ms. Schellin, do we have any
7 preliminary matters?

8 MADAM SECRETARY: Yes. Preliminary matter -- oops, I
9 guess we've got some microphone on somewhere.

10 CHAIRPERSON HOOD: I'll turn mine off.

11 MADAM SECRETARY: Okay. So we have proffered experts.
12 Jack Owen Boarman is the expert being proffered at Exhibit 3-C2
13 in architecture. We did not show that he had been before the
14 Zoning Commission as an expert before. So that would be the
15 first one for the Commission to consider.

16 CHAIRPERSON HOOD: And which exhibit is that?

17 MADAM SECRETARY: 3-C, as in cat, 2.

18 CHAIRPERSON HOOD: Okay.

19 (Pause)

20 CHAIRPERSON HOOD: Do I have any objections to the
21 proffer? (Indiscernible) --

22 MADAM SECRETARY: Okay.

23 CHAIRPERSON HOOD: Okay. So we will accept him.

24 MADAM SECRETARY: And the other two proffered experts,
25 Erwin Andres in transportation and engineering has previously

1 | been accepted by the Commission, just ask the Commission to accept
2 | him in this case; along with Shane Dettman, expert in planning
3 | and zoning, they ask that the Commission would accept him in this
4 | case as an expert since he's previously been accepted by the
5 | Commission. So if the Commission would nod approval for those
6 | two to be accepted as experts.

7 | CHAIRPERSON HOOD: Any objection?

8 | MADAM SECRETARY: Okay.

9 | CHAIRPERSON HOOD: I don't see any. Okay.

10 | MADAM SECRETARY: The property was properly posted.
11 | The affidavit of maintenance did come in on Friday and is in
12 | order.

13 | The representative is Dennis Hughes from Holland &
14 | Knight, if he could be brought up. And ANC 6D is represented by
15 | Daniel Edwards. OP is going to be represented by Steve Cochran
16 | and Joel Lawson. Jennifer, I believe, Stein (indiscernible) is
17 | tied up at the Council.

18 | And I don't know -- oh, Kimberly Vodka -- or -- yeah,
19 | Vodka from DDOT will be here this evening.

20 | And that's all I have.

21 | CHAIRPERSON HOOD: Okay. Thank you, Mr. Schellin.

22 | And thank you, Mr. Young, Paul Young, for bringing
23 | everyone up. I will be calling on people at the appropriate
24 | time.

25 | So, Mr. Hughes, at this time we'll turn it over to you.

1 How much time do you think you need? And we can turn it over to
2 you --

3 MADAM SECRETARY: Mr. Young, we don't need the ANC yet.

4 CHAIRPERSON HOOD: That's fine, we can leave him up.
5 It doesn't matter, we can leave him up.

6 COMMISSIONER MAY: Don't we need Mr. Millstein?

7 CHAIRPERSON HOOD: Yeah, is -- that's what I was going
8 to let Mr. Hughes -- is Mr. Millstein going to join you?

9 MR. HUGHES: Yes, he is.

10 CHAIRPERSON HOOD: Can we bring Mr. Millstein up,
11 please?

12 Is Mr. Turner part of your team?

13 MR. HUGHES: Yes, yes, Commissioner. We have -- Jack
14 Mormon (phonetic) is our architect; Drew Turner and Paul
15 Millstein on behalf of the Applicant; Shane Dettman, Holland &
16 Knight; and we'll have Owen Andres available for questions.

17 CHAIRPERSON HOOD: Okay. Mr. Hughes, you may begin.

18 MR. HUGHES: Thank you.

19 CHAIRPERSON HOOD: How much time do you need?

20 MR. HUGHES: Mr. Chair, we're going to do our best to
21 keep this within 30 minutes.

22 CHAIRPERSON HOOD: Oh, I thought you were going to say
23 an hour. Okay --

24 MR. HUGHES: No --

25 CHAIRPERSON HOOD: -- I'm glad you didn't.

1 MR. HUGHES: We may go a little bit, but we're going
2 to try to keep it to 30 minutes.

3 CHAIRPERSON HOOD: And I would ask that you hit the
4 highlights or the concerns and any issues out there, that would
5 be very helpful. You may begin.

6 MR. HUGHES: Absolutely. Thank you. And just I haven't
7 done this before, so can I be heard? Is everyone hearing me
8 okay?

9 CHAIRPERSON HOOD: You sound great.

10 MR. HUGHES: Okay, great. I don't know about that, but
11 thank you very much.

12 I haven't, obviously, been with you in a while, and I'm
13 glad to see you all and I appreciate your time. I'm very excited
14 to present this project to you.

15 We are appearing before you, as you noted, this
16 afternoon seeking special exception approval as is required for
17 all new buildings and exterior alterations undertaken on
18 properties in the D-8 zone. The purpose of this special exception
19 review is to allow the Zoning Commission to consider whether a
20 particular project will help achieve the goals of the Maryland
21 Avenue Plan in terms of siding, architectural design,
22 landscaping, sidewalk treatment, and operation.

23 And, Mr. Young, if you could at this point bring up our
24 presentation file?

25 Terrific. And I appreciate that the Commission is very

1 familiar with these criteria, as you mentioned in your opening,
2 Mr. Chair, as well as the fact that you heard the very first case
3 that I'm aware of a D-8 special exception just the other night
4 involving the hotel that is abutting our -- that will -- on the
5 property that abuts this site to its north.

6 We're also seeking two area variances that are needed
7 to address the rehabilitation of the landmark and other
8 exceptional site conditions that Mr. Millstein and Mr. Turner
9 will get to in a moment.

10 We've provided extensive briefing in support of our
11 compliance with both the special exception and the variance
12 burdens of proof in our prehearing statement, which is included
13 at Exhibit 11. Mr. Dettman will address the relevant criteria
14 as part of the presentation.

15 The project proposes the full rehabilitation and
16 incorporation of a long-vacant landmark and the construction of
17 a 12-story addition which will connect with the landmark around
18 the central courtyard. The building will measure just under 119
19 feet at its highest point, stepping down to its north and its
20 west. And the reason for that height is a product of our
21 extensive review by the U.S. Commission of Fine Art.

22 You may note that the zoning for this site given its
23 tree frontage would otherwise allow a 130-foot-tall building, but
24 we refined the design, in coordination with the CFA and its staff,
25 and bring to you a project that is just at 118 and three quarters

1 feet.

2 The overall building density is (indiscernible) 7.3
3 FAR, although there is no limit on the (indiscernible) density
4 in the D-8 zone.

5 There is a whole lot of background noise I'm hearing.
6 If someone could mute out, I would appreciate it.

7 But I do want to -- I call out the density because
8 there is a 6 FAR limitation on footprints of historic resources
9 throughout the D zones and obviously, as you can see from this
10 image, we're dealing with a historic landmark. And the footprint,
11 as will be described a little bit later, that is in issue --
12 well, the footprint that we're proposing to increase density on
13 is actually the one-story appendage to the south, which is a
14 dormant transformer vault.

15 Our request to increase this density is only a
16 negligible amount of approximately 5,000 square feet to optimize
17 the design and circulation in the building.

18 The project proposes approximately 610 dwelling units
19 located across both the landmark building and the 12 floors of
20 new construction and the penthouse. Ground floor retail space
21 is proposed at the southwest corner of the building closest to
22 Maryland Avenue.

23 As Mr. Dettman will describe in more detail, one of the
24 major goals of the Maryland Avenue Plan is the diversification
25 of the land use mix in this largely federal precinct away from

1 office uses and toward residential, retail, and hotel uses. This
2 project alone promises to deliver more than half of the 1,000
3 residential units identified in the Maryland Avenue Plan that are
4 deemed necessary to support meaningful retail in the area.

5 Mr. Young, could you go the next slide? I believe
6 that's the zoning map, just to give a sense. That's our site
7 highlighted, that's the D-8 zone, and we are -- as you can tell,
8 we are confronted on all sides by public streets and essentially
9 public streets, the former C Street right-of-way.

10 With regard to the Maryland Avenue Plan, the project
11 also satisfies its goals of providing connections and enhancing
12 the public realm adjacent to the Maryland Avenue corridor, which
13 runs diagonally to the south of the site.

14 Further, the project will promote sustainability, as
15 is called for in the plan, including a commitment to achieve LEED
16 Gold certification.

17 We are pleased to note that the project is supported
18 by the Office of Planning. And I don't know if he's on, but I
19 want to thank Mr. Cochran and others at the Office of Planning
20 for their time and input to further improve the project, including
21 the addition of balconies to provide much-needed private open
22 space for the building occupants.

23 I note that OP's report includes a request for
24 clarification regarding our request for flexibility on the
25 parking. And, Mr. Chair, I can deal with that now, but it might

1 | be better if I dealt with it as part of the Office of Planning
2 | report. It's your call. Should I continue or do you want me to
3 | get into the report?

4 | CHAIRPERSON HOOD: Mr. Hughes, I'm going to put it like
5 | this. This is your case to convince us why --

6 | MR. HUGHES: Very good.

7 | CHAIRPERSON HOOD: -- this is ready to move forward,
8 | so I'll let you decide --

9 | MR. HUGHES: I'll keep going, I'll keep going and we'll
10 | address the clarifications when the Office of Planning
11 | presentation comes up.

12 | We've also worked extensively with David Maloney and
13 | Andrew Lewis of the DC Preservation Office on the scope of
14 | preservation and the compatibility of the new design. And I
15 | would refer the Chair and the Commission to the review-and-
16 | approval letter we received from HPO, and that's included at
17 | Exhibit 11-C, which is part of our pre-hearing statement.

18 | We also appreciate the time and input received from Mr.
19 | Zimmerman, Ms. Vodka, Ms. Bridges, and others at DDOT, and for
20 | their time, and we believe we've arrived at an improved project
21 | as a result of that coordination. As you'll hear, we were able
22 | to relocate the loading access from 12th Street around to the
23 | northern frontage of the building and combined that with the
24 | parking access. And we will continue to work with DDOT throughout
25 | the public space process.

1 And I'm getting to my end. The Applicant has worked
2 with ANC 6-D over the past several months and we're very
3 appreciative of their support for the project. We would like to
4 thank Chair Daniels and members of ANC 6-D for their time and
5 consideration, and we certainly appreciate Mr. Daniels' time this
6 afternoon and look forward to his testimony.

7 And then I want to note the other outreach the Applicant
8 has made. We've communicated extensively with the General
9 Services Administration and with the property owner to the north
10 of this property, who is proposing the hotel project you reviewed
11 last week. Given that the neighbor actually owns the land on
12 which the former C Street right-of-way was located and this
13 applicant has an easement across that land, we will be working
14 with him, with the Historic Preservation Office, and with DDOT
15 on the hardscape, the roadway, and the landscaping features.

16 So, with all that background, I'd like to now proceed
17 with the testimony of our witnesses. I'll begin with Mr.
18 Millstein, and then I believe he is going to pass it to Mr.
19 Turner. Thank you very much.

20 And, Mr. Young, could you please forward to the next
21 slide.

22 MR. MILLSTEIN: Okay. Good evening. Thank you.

23 Chairman Hood, good evening, fellow Commissioners and
24 everyone else on board. I just -- I want to say thank you for
25 the opportunity to present this project and thank you for your

1 years of service to the district. I've seen these spaces for a
2 long time.

3 This is a tough project and that's why we went after
4 it. We like a challenge and this project was a GSA project, it
5 had a historic building on it, and also it carries a huge weight
6 and a huge responsibility being located on the Mall, and really
7 what an opportunity to be able to add to the landscape of this
8 magnificent city on the Mall by doing a really high quality
9 project.

10 I just have to say this was the most complicated
11 preservation, community-organized project we have ever done. To
12 make the GSA, we had Office of Planning, we had the Commission
13 of Fine Arts, the District of Columbia Preservation League, the
14 state -- you name it. This has been a heavy, heavy lift that's
15 been three years in the making; we think it's landed in a fabulous
16 place. It's a collaborate effort. As you know, we design by
17 committee, we welcome input from everyone. You can't make
18 everybody happy all the time, but we try really hard to make as
19 many happy as possible and build a great project that's a
20 contributing member to the city and the city's fabric. We think
21 we've brought that to you, we think we've wrapped it up as clean
22 as possible, and we hope that you see the same and we look forward
23 to moving forward.

24 And, with that, I'll turn it back to -- actually, I'm
25 going to turn it to Drew for some specifics, then we'll keep it

1 moving and we'll be here to answer questions. Thank you.

2 MR. TURNER: Thank you, Paul, and thank you,
3 Commissioners.

4 If we could go to the next slide, please? I'm going
5 to talk through the site.

6 So, as Dennis mentioned, the site itself is bound by
7 12th Street, the 12th Street Expressway, the C Street right-of-
8 way, and D Street. And what you're looking at here is an
9 existing-conditions plan. What's in the dashed dark line border
10 is the historic Cotton Annex Building and what's in yellow is our
11 property itself.

12 There's a couple really unique elements here as far as
13 challenges that we're facing, but we do have plans to address
14 them and they're already in motion. One of them being, you see
15 that it says "GSA Pipes." There's to the south, there are --
16 they're in blue, and then to the north they're in red and blue.
17 Those are two water lines that are running out of the GSA steam
18 heating and cooling plant that's directly on the other side of
19 12th Street from us. That services many of the federal buildings
20 both on the Mall and in L'Enfant Plaza.

21 As part of this project, it being GSA land previously,
22 that was part of the deal as we bought this. We have the rights
23 to move it. We've been working very closely with the GSA staff
24 to collaborate and finalize a plan for relocating them to allow
25 the building to get built. And it is -- it's a heavy lift, but

1 | it's one that we've got a plan for.

2 | In addition, the green line, the green shadow that's
3 | to the northeast corner of the site is the WMATA Metro tunnel.
4 | That tunnel is, fortunately, deep enough that it allows us to
5 | build our building, but we have been coordinating very closely
6 | with them with our geotechnical engineer and structural engineer.
7 | And we've done all the calculations and everything has worked out
8 | that we are not impacting the tunnel, but it is having an impact
9 | in terms of our garage design. So what we're presenting to you
10 | today is a building that doesn't have the highest parking ratio,
11 | which DDOT loves, but also it is really influenced by this WMATA
12 | tunnel that's adjacent to us.

13 | And then one other element as far as the site goes you
14 | can also see in that same area. We've got a little bit of a
15 | unique chamfer on the corner of our property line and that is
16 | due to the 12th Street Expressway.

17 | We can jump to the next slide.

18 | The other unique piece of this site is really the
19 | historic building, but it's also a piece that, you know, we love
20 | and we're celebrating. As we dug into the background on this
21 | property, one thing we found that we thought was really unique
22 | is that on the left side of the screen was the original drawings,
23 | and they always planned for a building to finish out the block
24 | and wrap around the entire block and have this internal courtyard.
25 | And what you see to the right in yellow is our proposed design,

1 which is essentially a building that is really finishing this
2 block after its original delivery in 1935.

3 So if we go to the next slide, I'm talking a little bit
4 more about the preservation piece of the project.

5 So there's a few different zones from a preservation
6 standpoint, one being Zone 1, which is really the very important
7 part of the building -- not that it's not all important, but
8 that's the piece that we're really -- we are just restoring and
9 preserving that in place. The building is actually in really
10 great shape for being built as long ago as it was, but we will
11 be doing minor repointing and restoration to the windows and
12 brick on the C Street and 12th Street elevations.

13 The next picture in is Zone 2 and that's the area that
14 was always intended to be an interior court -- or facing an
15 interior court, I'm sorry, and that is an area where we will be
16 adding windows. We have worked very closely with HPO staff, NCFA
17 about the windows, and the intent is the windows will be
18 consistent with the variation of windows that are installed --
19 that were installed as part of the original building.

20 And then, finally, Zone 3 is a stair tower that was
21 built many years after the original building and that will come
22 down completely and, as part of our preservation plan, is approved
23 to be removed.

24 So, with that, I'm going to pass it on to Jack Boarman
25 to talk through the design.

1 MR. HUGHES: And, I'm sorry, this is Dennis, before
2 Jack gets started. Mr. Chairman, we're already halfway through
3 our time and we still have two witnesses, so I am going to
4 apologize for over-talking, if you will. We'll try to keep Mr.
5 Boarman and Mr. Dettman's testimony as close to ten minutes each
6 as we can, if that is all right.

7 CHAIRPERSON HOOD: So, Mr. Hughes, let me say, you
8 actually have a full hour? I just --

9 MR. HUGHES: I know, I know.

10 CHAIRPERSON HOOD: -- heard you could be done in 30
11 minutes. So you're (indiscernible) --

12 MR. HUGHES: I appreciate that, but I do want to keep
13 it quick for you. So, thank you.

14 And, Mr. Boarman, please go ahead with your testimony.

15 And, Mr. Young, if you'll pass to the next slide. Thank
16 you.

17 MR. BOARMAN: Thank you for this opportunity to present
18 our design that we've been working on significantly for well over
19 a year.

20 As Drew mentioned, the concept of filling out the
21 entire block, having a project that will be viewed from all four
22 sides, and also a project that respects and complements the
23 historic building, was our overall and primary goal. So we had
24 a number of staff meetings with CFA, two sessions with the Board.
25 There was a tremendous amount of design and modification work and

1 | efforts collectively to get to where we are today, and I think
2 | they were very pleased with our final outcome.

3 | The overall building elements not only relates to the
4 | 90-foot-high Cotton Annex Building, but it also relates to the
5 | overall context of the Federal District. And it also, as was
6 | mentioned, is going to bring in housing to the -- to the district
7 | uses. Our building, as you'll see, slopes from the Mall side at
8 | the north to its higher elements to the south along Maryland
9 | Avenue. But basically the key aspect is it's a new building that
10 | wraps around and creates this internal courtyard, and then
11 | delicately connects to the historic building with two glass
12 | lengths respecting that, and I'll cover that later.

13 | Another key element is our corner public entry plaza.
14 | The existing building is set back from C Street and we're setting
15 | our building back from 12th as well to create this corner public
16 | outdoor entry space and public space for the community.

17 | Next slide, please.

18 | This illustrates the overall architectural fabric. The
19 | concept of the -- the architecture of the historic building is
20 | base, strong bays, punched windows, vertical articulated windows,
21 | and then a strong entablature top that sort of resolves the
22 | overall building height.

23 | In a contemporary way, we've reflected that same
24 | architecture in the two building elements that flank either side
25 | of the historic building, one on C Street and one on 12th Street.

1 And to create a sort of horizontal architectural fabric, we're
2 using high quality materials in brick to relate to the historic
3 building in color, but it will obviously be all new brick. The
4 windows reflect the overall fabric of an industrial grid of the
5 Cotton Annex, and the upper entablature floor is individual
6 windows reflecting some of that resolution to our contemporary
7 design.

8 Most important from this view is you can see all the
9 existing trees, which are in dark green, that we're preserving.
10 The corner plaza, which will be a lovely, shade-treed outdoor
11 space. And then you can see in the background, most importantly,
12 how the building, the higher building, which is three stories
13 above the Cotton Annex, is stepped significantly back to provide
14 that overall stepping 30-some-odd feet along C and 12 feet along
15 12th to your right.

16 Next slide, please.

17 So this is just a view down C Street. We have aligned
18 the street, C Street corridor to the historic parameters, and you
19 can just see how the building sort of sets into the streetscape
20 and the higher building is set back.

21 Next slide, please.

22 Okay. This is our view from 12th and D. Here you can
23 see how the south end of our building extends and turns the corner
24 and relates to the Cotton Annex Building. You can also see the
25 beginning of our south facade, which is a very critical facade

1 along Maryland Avenue, and here we -- our base brick comes --
2 that's the darker brick comes up to the 8th floor, and then we
3 have the 9th floor and the 10th floor as stepped brick elements
4 articulating that brick mass, and then the upper two and three
5 floors is a metal frame and glass element of our upper building,
6 and then the final penthouse.

7 Next slide -- well, you can see the -- at this corner,
8 at that corner is where we have our retail space and plaza entry.

9 This is our C Street entrance. Here you can see the
10 relationship of the two bricks, the lighter brick behind that
11 tree and the base is the darker brick, lighter brick facing the
12 Mall and is the lowest part of our building mass. The remainder
13 of the building stepped back about 35 feet.

14 And then along the 12th Street Expressway extension you
15 have the overall facade elements, because all four of these
16 facades are eloquently developed with high quality, two colors
17 of brick, and then the upper metal and glass portion of the
18 building.

19 Next slide, please.

20 This illustrates our extensive effort to settle the
21 building into our context but have it really be appropriately
22 viewed from the Mall as befitting its area and its relationship
23 to the Mall.

24 Next slide, please.

25 Functionally, I'd like to just quickly describe the

1 overall layout of the building. This is our lower level parking
2 area, 110 spaces, the lower level functions of the building,
3 amenity space and units.

4 Next slide, please.

5 This illustrates our primary, main level access where
6 we have amenity space in the new tower off of C Street, and then
7 the access to the loading dock where we come into the driveway,
8 T-bone into the dock, and then add access off the site. All of
9 the truck movements to our loading are on site, and then the
10 access to parking.

11 Our internal courtyard that's off the amenity space
12 will end up having grilling stations, outdoor amenity functions,
13 green areas, sitting areas, a real nice courtyard effect for the
14 residents, and then a series of terraced units off the courtyard
15 as well.

16 To the right, you can see -- on the lower at D and
17 12th, you can see the retail space, the outdoor plaza that wraps
18 the corner relating to the Maryland Avenue sort of overall
19 streetscape plan for future, and then a secondary entrance to the
20 building.

21 We've eliminated at that point a curb cut off of 12th
22 because all of our access is over off of C Street.

23 Next, please.

24 This just is one of our upper -- this happens to be the
25 10th floor, which is -- that's the setback to the left, which is

1 the building masses set back approximately 35 feet from the main
2 facade for our upper floors. It's also our pool deck and one-
3 story amenity space.

4 And then you can see the typical floor plate. And you
5 can see the articulation of the recessed areas between the
6 building masses and the recessed balconies that create the
7 articulation on the highest part of the building off of D and
8 the Expressway.

9 Next slide, please.

10 This is just our setback penthouse floor, showing that
11 it fully complies with the setback requirements.

12 Then, very quickly, I've got about a couple minutes
13 here. Next slide, please.

14 This illustrates our C Street facade elevation where
15 you can see the base metal and top. We spent a tremendous amount
16 of time with CFA working on the layered brick and details here,
17 so that we would have a strong contemporary relationship to the
18 historic fabric of the Cotton Annex Building. Also you see the
19 step back upper glass floors.

20 So we have a very strong masonry building base, high-
21 quality material, cream-colored brick, to relate to the color of
22 the Cotton Annex Building, and then you can see across the bottom
23 our various materials.

24 Next slide, please.

25 This is the 12th Street facade where you see on either

1 side the new construction that matches the base metal top of the
2 Cotton Annex Building and, again, the upper three floors pushed
3 back and stepped to provide an overall relationship to the Cotton
4 Annex.

5 You can also see the glass link that connects the two
6 overall building areas. And then also -- next slide, please --
7 the -- this is our D Street facade, which represents the overall
8 relationship of modulating the building masses, and the base of
9 the building and the layers in relationship to Cotton Annex.

10 Next slide, please.

11 This is our east facade, which illustrates the overall
12 breaking up of the building mass into the base darker brick, the
13 individual projected bay areas in lighter brick, and then the
14 upper two-story glass-and-frame building upper floors.

15 Next slide, please.

16 MR. HUGHES: Are you going to hit mute --

17 MR. BOARMAN: Yep.

18 MR. HUGHES: -- are you going to hit the snooze button,
19 Jack?

20 MR. BOARMAN: I am. Hold on.

21 MR. HUGHES: Thank you.

22 COMMISSIONER MAY: I really do think it's okay if he
23 takes a little bit longer. I feel like we're going to wear him
24 out by holding him to his time limit. So would you agree, Mr.
25 Chairman?

1 CHAIRPERSON HOOD: I actually said that about ten
2 minutes ago.

3 COMMISSIONER MAY: I know.

4 CHAIRPERSON HOOD: So I don't know -- you know, I don't
5 know if people -- maybe I'm not talking loud enough. So take
6 your time giving your presentation.

7 COMMISSIONER SHAPIRO: I'm with you as well --

8 MR. BOARMAN: Well, I've got --

9 COMMISSIONER SHAPIRO: -- (indiscernible) --

10 MR. BOARMAN: -- I've got about a minute left here.
11 I'm almost done.

12 This illustrates the courtyard where we're locating the
13 new windows; maintaining the historic fabric, but putting in new
14 windows to relate to the new housing.

15 Next, please.

16 This is -- it just is one of the sections that we
17 developed to illustrate the relationship of the stepping building
18 from the hotel building to the right towards the Mall, and then
19 stepping as we go to the south, and then across Maryland the
20 overall context.

21 Next slide, please.

22 So this is a great project. We've spent a tremendous
23 amount of time working on high-quality materials, detailing, and
24 a real sense of care and respect to the Cotton Annex Building,
25 but at the same time looking at this as a major residential

1 creation within the Federal District to help bring a whole mixed-
2 use relationship to this part of our wonderful, wonderful
3 Washington city.

4 Thank you.

5 MR. HUGHES: Thank you, Mr. Boarman.

6 So, Mr. Young, could you forward -- move forward in the
7 slide deck? Okay, great.

8 So I'd like to have Mr. Dettman present his testimony.
9 Thank you.

10 MR. DETTMAN: Thank you, Dennis. And good afternoon,
11 Mr. Chairman and members of the Commission.

12 Through the next series of slides, I'll walk the
13 Commission through how the Applicant's proposal fully satisfies
14 the D-8 special exception standard of review under Subtitle I of
15 the zoning regulations that's applicable to this building and,
16 actually, all new proposed uses and new buildings and structures
17 in the D-8 zone.

18 To warrant approval of the special exception, we need
19 to show, the burden is on us to show that the general special
20 exception criteria of Subtitle X, Chapter 9 is met, as well as
21 the special exception criteria under Subtitle I, 581.2 through
22 5.

23 Next slide, please.

24 So beginning with the general special exception
25 criteria and as we detail in our pleadings, the project will be

1 in harmony with the general purpose and intent of the zoning
2 regulations and the zoning map. Consistent with the general
3 purposes of the zoning regulations, the project is going to
4 redevelop along a reutilized site for residential and retail
5 purposes, thus making a substantial contribution to the
6 District's housing goals and helping to revitalize this area
7 through diversification of land uses. It will provide adequate
8 light and air to building residents. It will not only prevent
9 undue concentration of population and overcrowding of land, but
10 it's going to infuse this area with a much-desired nighttime
11 population that currently doesn't exist in this largely federal
12 office enclave.

13 And, lastly, it's going to provide for a distribution
14 of population and uses of land that create conditions that are
15 favorable to the District's economy; to transportation and
16 circulation in this area; historic preservation through the
17 adaptive reuse of the historic landmark; sustainable, as well as
18 housing, including affordable housing.

19 Next slide.

20 The project is also consistent with the purposes of the
21 downtown zone and specifically the D-8 zone. Among other things,
22 the regulations describe D zones as being intended to protect
23 historic buildings, provide for the return of L'Enfant streets,
24 encourage accessible open space, and the development of housing
25 in Central Washington.

1 The primary purposes of the D-8 zone include providing
2 for high-density development to foster the transition of a
3 federally-owned area into a mixed-use area, as well as the
4 promotion of greater connectivity by emphasizing reestablishing
5 of connections.

6 And so, if you look at the D-8 zone, there's a real
7 emphasis on, in two words, vitality for this area, as well as
8 connectivity.

9 And I'll note that this isn't accidental. The
10 development of the D-8 zone was informed by OP's Maryland Small
11 Area Plan, as well as signature planning efforts by NCPC and CFA
12 in the Monumental Core Framework Plan and the Southwest Eco-
13 District Plan.

14 Next slide, please.

15 Just to round out the general special exception
16 criteria, I'll note that the project will not adversely affect
17 the use of neighboring property in accordance with the zoning
18 regulations. As you can see on this diagram on the right, the
19 proposed residential use is not likely to negatively impact
20 surrounding offices and the utility uses, and the substantial
21 separation that's provided by surrounding rights-of-way, as well
22 as the C Street easement area that was noted earlier, will ensure
23 that there will be no adverse impacts to light and air.

24 Next slide.

25 So shifting into the specific special exception

1 criteria that you'll find in the D-8 zone, the regulations call
2 for consideration of the project against the objectives of the
3 Maryland Avenue Small Area Plan, and its related or successor
4 plans.

5 And as you can see on the diagram here, the boundary
6 of the Maryland Avenue Small Area Plan is identified as that red
7 line along Maryland Avenue, but the project site is also located
8 within the boundaries of what I'll describe or sort of
9 characterize as being related plans. And these are two plans
10 that were spearheaded by NCPC in collaboration with CFA, the
11 Office of Planning, DDOT, and those two plans, which I'll touch
12 upon a little bit in my slides, are the Monumental Core Framework
13 Plan, as well as the Southwest Eco-District Plan.

14 Next slide.

15 As I mentioned, the main objectives of the Small Area
16 Plan are, again, just to simplify it, is vitality, getting
17 vitality into this area through a diversification of land uses,
18 as well as connectivity, really reknitting this area together
19 through greater connectivity and specifically through
20 reestablishing historic L'Enfant streets that were lost through
21 street closings over time, the construction of the freeway, urban
22 renewal, and the construction of super-block buildings.

23 You can see the two diagrams on this slide, the one on
24 the left shows a series of recommendations from the Small Area
25 Plan, identifying areas that are ideal for sort of infill, infill

1 development or reuse of particular parcels throughout the area.
2 And you'll see on that diagram on the left that the Cotton Annex
3 is identified specifically for an ideal site for infill, as well
4 as sort of redevelopment of this largely inefficiently developed
5 site.

6 The diagram on the right is a recommended street
7 network in the Small Area Plan. Clearly, a focus is on
8 reestablishing Maryland Avenue and what would have to happen in
9 terms of the rail tracks and reestablishing that right-of-way,
10 but also the Small Area Plan talks about, you know, what are some
11 recommendations for reknitting some of the more minor streets.
12 And here on this diagram on the right you'll see along the north
13 side of the Cotton Annex Building, the existing landmark that's
14 there, there's a recommendation to do what you can to reestablish
15 the original C Street right-of-way.

16 Next slide.

17 Quickly looking at those two related plans, the
18 Monumental Core Framework Plan and the Southwest Eco-District,
19 again, the primary focus of these plans was getting vitality into
20 this area and reconnecting this area in terms of connectivity for
21 greater pedestrian movement, bicycling moving as well as
22 vehicular, and really erasing the barriers that were constructed
23 over time in this area with the freeways and the off-ramps and
24 the 12th Street Expressway.

25 So the diagram on the left, the Monumental Core

1 Framework Plan, specifically identifies the Cotton Annex site as
2 a great opportunity for revitalization and getting a new mix of
3 uses in this area.

4 The two diagrams on the right are with the Southwest
5 Eco-District, the one in the middle showing that the area that
6 includes the Cotton Annex is ideal for mixed-use development that
7 would help connect, you know, the Mall and the federal buildings
8 along Independence Avenue, and that cultural destination down at
9 Banneker Overlook and leading down to the southwest waterfront.

10 And then finally, on the right, again reiterating that
11 recommendation from the Small Area Plan of trying to reknit this
12 area of the city, including reestablishing the C Street right-
13 of-way.

14 Next slide.

15 The D-8 special exception criteria talk about
16 consideration of building mass and height and siting in a way
17 that respects and reestablishes vistas to the Capitol, the
18 Washington Monument, and the Smithsonian Castle.

19 The Cotton Annex Building really is not along any of
20 those vistas. You can see here, looking at the vista that would
21 be along Virginia Avenue towards the Washington Monument if
22 Virginia Avenue is ever reestablished through the redevelopment
23 of the Department of Energy complex. And then you also see the
24 vista along 10th Street north to the Smithsonian building. Our
25 building really isn't along one of those vistas. So, in that

1 respect, it would respect those vistas.

2 Maryland Avenue is a different story in that I think
3 with our building, and especially the southern side of our
4 building, is really going to help strengthen the view shed and,
5 hopefully, the eventual reestablishment of the street wall along
6 a reestablished Maryland Avenue. I believe that our building
7 really does respect and will help reestablish that vista towards
8 the Capitol.

9 Next slide.

10 This is just an illustration that's in our packet with
11 a view along Maryland Avenue looking west from around 7th Street
12 towards our site. Really very minimal visibility of our site
13 along Maryland Avenue, mainly because of Reservation 113 there,
14 and hopefully that would be reestablished as a great open space.
15 But even with our building, very minimal visibility from the
16 Capitol or points east.

17 Next slide.

18 This is the view from the Mall, really along the 12th
19 Street corridor. If you were to think about views and vistas,
20 it's really the 12th Street corridor that our building will help
21 to reestablish and improve in terms of visual connectivity north
22 and south along 12th, particularly towards the Mall, really not
23 on access with the Smithsonian building.

24 Next slide.

25 The next criteria looks at improving and maximizing

1 connectivity in this area for pedestrians and vehicles, both in
2 the area -- both in this area and adjacent areas, and with a
3 focus on historic street rights-of-way.

4 And, as Jack mentioned and Dennis mentioned, while the
5 historic C Street right-of-way is not on our site, we have a
6 perpetual access easement over the hotel property to the north.
7 We are working closely with the owner of that property to help
8 reestablish as an access-way designed in accordance with the
9 historic 80-foot right-of-way of the L'Enfant Plan, working
10 closely to reestablish that as a pedestrian, as a vehicular street
11 with a strong street wall presence.

12 Next slide.

13 Conflicts with respect to vehicles and pedestrians. We
14 have worked hard to minimize this. You may recall, if you looked
15 at the first set of plans that were submitted where our access
16 to loading was located in the location of existing curb cut along
17 12th Street. In working with -- closely with DDOT and their
18 recommendation to try to move our loading up along the C Street
19 access easement and to close down that curb cut along 12th Street,
20 we have successfully been able to do that. And so we think in
21 terms of conflicts with pedestrians and vehicles we've minimized
22 that through the elimination of that large curb cut that exists.

23 Next slide.

24 This is just another illustration showing looking north
25 on 12th Street. On the left, you can see that large curb cut

1 that exists there now; on the right, we get rid of that curb cut,
2 we put in a consistent sidewalk with a very strong street wall
3 to create a very comfortable pedestrian environment on 12th
4 Street.

5 Next slide.

6 The criteria talk about having to minimize
7 unarticulated blank walls adjacent to public spaces. As Jack
8 mentioned, in approaching this site and designing this building,
9 this is really a four-sided site with four active articulated
10 facades. Even the east facade adjacent to the Expressway, they've
11 taken great care to applying, you know, great articulation and
12 high-quality materials to all four sides of the building.

13 Next slide.

14 Our ground floor retail space on the southwest corner
15 of the building will have a 14-foot clear, consistent with the
16 criteria. And, as set forth in our pleadings, we will be fully
17 compliant with the green area ratio and, as the scorecard shows,
18 the project has been designed and will seek LEED Gold
19 certification.

20 Next slide.

21 In terms of our roof structures and architectural
22 embellishments and penthouses, again, we are off that access of
23 the 10th Street corridor looking north towards the Smithsonian
24 building, but in addressing and designing the penthouse, the
25 penthouse, just like the rest of the building, has been designed

1 with great care. So that to the extent that our building is
2 visible from 10th Street and along that corridor, and visible
3 from the Mall looking south on axis with the Smithsonian Castle,
4 we believe that our building will be completely compatible and
5 probably largely not visible from those vantage points.

6 Next slide.

7 Here's just another view, again, looking south along
8 the 12th Street corridor with the hotel building put in the front
9 of it, very limited visibility.

10 The diagram on the right, I want to make sure that I
11 describe this clearly. This is a view that was prepared by NCPC
12 as part of the Southwest Eco-District Plan. And what that
13 modeling study was looking at was kind of development along
14 Independence Avenue as proposed D-8 zone and whatnot.

15 And so the reason why I include this view is, what I
16 think it really shows is, that modeling study actually modeled
17 the hotel site, which is to our north, modeled that hotel site
18 to 130 feet high, built very close to Independence Avenue. And
19 so even -- as you can see here, even at 130 feet, that hotel
20 building would be only minimally visible from this vantage point
21 on axis with the Castle.

22 And so that's only to say that being south of that, the
23 hotel site, and with our height largely concentrated to the south
24 of our property and to the east of our property, we don't believe
25 that we'll compete in any way with the architectural features of

1 the Castle.

2 Next slide.

3 These next two criteria are not really -- they're not
4 applicable to our site. So I'll skip down to 581.5, which
5 essentially says that in reviewing the project, the Commission -
6 - rather than having to go to the BZA for any relief, the
7 Commission can review additional requests for relief. As Dennis
8 mentioned, we're requesting two area variance, and I'll touch
9 upon those the next couple slides.

10 Next slide.

11 In terms of the three prongs of the variance test, Drew
12 already mentioned about what makes this project kind of unique
13 and exceptional in terms of its physical constraints. You see
14 on the left the platte (phonetic), the 1960s platte that closed
15 down C Street, making way for the construction of the Expressway
16 that kind of clipped our corner, making us somewhat of an
17 irregularly-shaped lot.

18 We have a historic landmark on our site that we have
19 to address and be compatible with, but really it's that part you
20 see, that very low-level portion of the building in the foreground
21 of this picture being that abandoned transformer vault, that if
22 the building was to be -- was constructed as it was originally
23 intended, that transformer vault would have been covered over
24 with building and creating that sort of circular, donut pattern
25 for the building in a very efficient circulation pattern. But

1 being technically part of the footprint of the building, we are
2 constrained to the existing density within there, which is
3 prompting our variance request there.

4 And of course there's the subsurface constraints that
5 Drew described in his testimony.

6 Next slide.

7 So with respect to the open court width requirement,
8 our noncompliant open court is in the northeast corner of the
9 building and it's identified there. As a result of the
10 exceptional conditions on the property, strict application of the
11 zoning regulations to result in a compliant court would result
12 in practical difficulties.

13 There are two ways we could get rid of this noncompliant
14 court. You could bring the building out to the property line,
15 creating a chamfered facade, which would have gone against CFA's
16 recommendations and preferences for respecting the volume of the
17 landmark and sort of overall volume -- and extending that around
18 the overall volume of the building. It would have also -- because
19 of the WMATA tunnel, it would have made the structural support
20 of the building just unnecessarily overly complicated than it
21 needed to be.

22 We could also pull that lower volume of the building
23 back. And you see on the diagram on the right, that dotted line,
24 that's essentially where we'd have to pull that building back in
25 order to create a compliant open courtyard, and as you can see

1 the impact that would have had on the units in that portion of
2 the building, as well as it would have landed the structural
3 column of the building right in the middle of our parking and
4 loading access point.

5 Next slide.

6 In terms of practical difficulties related to the
7 historic landmark density footprint variance, you can see here
8 on the left that diagram that Drew showed showing the original
9 intent of the building, if it was ever completed, showing that
10 very efficient circulation pattern, a donut building with double-
11 loaded corridors all the way around. You can see on there that
12 the blue portion, which is that footprint of that not even a one-
13 story abandoned transformer vault, and that's the area of the
14 building footprint that we're actually putting density over,
15 which is requiring us to seek a variance.

16 If you look on the right, that's the footprint of our
17 standard residential floor, and if we were not able to put density
18 over that transformer vault, you can see the inefficiencies it
19 would create in the building in terms of its circulation,
20 essentially creating two dead ends, which would have required us
21 to really think through having redundant vertical circulation
22 systems in the building and really kind of those types of
23 difficulties, adding more complexity to the building than
24 absolutely necessary.

25 Next slide.

1 This is my last slide here just on the variance test
2 and only to say that, with respect to the third prong, granting
3 of the two variances would not cause substantial detriment to the
4 public good, and would not substantially impair the intent,
5 purposes, and integrity of the zone plan, for the reasons that
6 are listed here. I won't go through listing them, but I do
7 believe that for both variances the three-prong variance tests
8 are met.

9 Next slide.

10 And so with that, Commissioners, just in conclusion,
11 based on my testimony and the record that we've submitted, I
12 believe that the Applicant has fully met the D-8 special exception
13 standards; that the project will help achieve the objectives of
14 the Small Area Plan, as well as its related and successor plans
15 that I've described in my testimony; and then, finally, with
16 respect to the additional variance relief, that the three-prong
17 variance test for the open court and the historic footprint
18 density limit has been met.

19 And I think I'll hand it back over to Dennis.

20 MR. HUGHES: Thanks. Thank you, Shane.

21 Commissioners, that concludes the Applicant's
22 presentation. Thank you very much for your indulgence of my over
23 promise on the 30 minutes, but I think that will conclude our
24 presentation and we're available for all your questions. Thank
25 you very much.

1 CHAIRPERSON HOOD: Okay, thank you for your
2 presentation. You actually have 15 minutes left, but we
3 appreciate your indulgence and your presentation and how you
4 moved forward.

5 Let me see if we have any questions or comments. I
6 know there are a number of people who want to testify, so we want
7 to make sure we get to them shortly, as soon as we can. So let's
8 see what we got.

9 Commissioner May, any questions or comments?

10 COMMISSIONER MAY: I don't actually have any questions.
11 You know, the fact that this project has gone through the
12 Commission of Fine Arts and what I am sure was a complicated
13 process, working with GSA and SHPO and all of that. I mean, I've
14 been through that mill a few times and a different sort of thing,
15 but certainly can get very complicated and the fact that you have
16 -- that you got an approval from the Commissioner of Fine Arts
17 in January when there were like a whole bunch of new Commission
18 of Fine Arts members is really remarkable. I wish I had done as
19 well at the first meeting, but I didn't.

20 So -- but, anyway, I think that from a design
21 perspective everything is in good shape and, you know, the case
22 has been clearly laid out with regard to any relief that's
23 necessary and the requirements needed for a special exception
24 approval of the design. So the only comment I have is that I
25 wish that there were a more current picture from the Mall, because

1 the Mall itself looks kind of crummy in that photo, and I know
2 we've made improvements in that area and it looks a lot better
3 now. So I'll have to get a new picture and like send it to NCPC
4 or something, right?

5 Thank you very much.

6 CHAIRPERSON HOOD: Commissioner May, I know we don't
7 normally question each other, but does Haynes Point look a lot
8 better too? Can you send a picture to me so I can see it as
9 well?

10 COMMISSIONER MAY: You know, one thing at a time. We're
11 working on getting a lot of money for Haynes Point, so, you know
12 --

13 CHAIRPERSON HOOD: Okay, okay.

14 COMMISSIONER MAY: We do as much as we can as quick as
15 we can and it ain't quick.

16 CHAIRPERSON HOOD: Okay. Thank you.

17 Commissioner Shapiro?

18 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. Just a
19 couple quick questions.

20 First of all, I agree with Commissioner May. I think
21 the design is great, you know, a lot of thought put into it, you
22 know, by committee, but it was a good committee. So, thanks for
23 that.

24 So a couple quick questions. One is, as I'm reading
25 it, the rooftop is designed to be solar ready, where are you with

1 | your exploration around solar and what are you committing to or
2 | not committing to, if you could touch on that for a second.

3 | MR. HUGHES: Drew, I'll let you answer that question.

4 | MR. TURNER: Yeah, I can answer that. We have studied
5 | it and we have with the new energy code requirements that the EC
6 | adopted last year. We are ready to make the roof solar-ready,
7 | which means we've laid out areas on the roof where we know we
8 | can meet the requirements. The way the energy code regulations
9 | are written is there's certain distances that you can need for
10 | taller structures and you need to make sure you're within those
11 | distances. And though our building has a lot of different steps
12 | between all of the different structures, we have been able to
13 | establish the areas that we would need to have to make solar-
14 | ready and meet the requirements. And though we do not have in
15 | an appendix of our presentation, it is something we've studied
16 | extensively and we know we can meet that requirement.

17 | So, as far as what we are committing to for the project,
18 | we are committing to have the ability to add solar panels to this
19 | project in the future if needed.

20 | COMMISSIONER SHAPIRO: So why commit to solar-ready and
21 | not commit to solar?

22 | MR. TURNER: You know, we're able to meet our LEED
23 | requirements without going to full-on adding solar and, given the
24 | way the energy code is written, there is a lot of new stringent
25 | guidelines we have to meet as far as efficiencies within the

1 building itself and energy consumption within the building
2 itself, which we will be meeting, to the tune of -- I might quote
3 this wrong, I'm not the energy expert, but I want to say it's -
4 - I think it's you need to be 60 percent better than what the
5 energy code requires, which is what we will be in our building.

6 So, given that stretch we're already going, we felt
7 like we were being good stewards in terms of environmentally
8 friendly without adding solar panels as well, but we can show
9 that we are meeting the ability to add solar if we need to.

10 COMMISSIONER SHAPIRO: Okay. I hear you. I'm confused
11 only that I just don't -- it's not going to cost any more money
12 to actually do solar and get the benefits from that. But you've
13 answered the question, I appreciate that.

14 The other question is about the retail, what feels like
15 a limited amount of retail, and I'm wondering if that was driven
16 by design considerations or economics or zoning or what?

17 MR. TURNER: I'm happy to take that one as well, Dennis.

18 You know, it's really -- you know, if you look at the
19 whole (indiscernible) Small Area Plan when everything is all
20 built out and everything is there, I think there certainly is an
21 opportunity for more retail than what we're putting in, but I
22 think given that we're, I would say, on the early end of the full
23 plan of this all getting built out and if you look at what --
24 sadly, what COVID has done to the retail market, it's -- you
25 know, it's not a fantastic retail site, but we do think it's good

1 enough to drive, you know, maybe it's a small restaurant/bar,
2 maybe it's some kind of convenience for the community in terms
3 of grab-and-go restaurant or convenience store. But we just --
4 we didn't have a huge appetite for a larger retail space just
5 given what's surrounding us right now, we've got a power plant
6 on one side, we've got a highway on the other side. So it really
7 -- it wasn't a space constraint by any means, it was really more
8 just what we thought the depth of the market was in the area.

9 COMMISSIONER SHAPIRO: So it's just the economics.
10 That makes sense. And how easy is it to convert as the economy
11 changes, as to the opportunity.

12 MR. TURNER: You know, I think -- I don't know the
13 legal side of, you know, if we've got residential units there,
14 how hard or easy it would be to expand this in the future, but,
15 you know, if the market is there and we don't have people in the
16 building, maybe it's something we would explore, but right now
17 we feel great about people wanting to live here. You know, it's
18 a great location with proximity to the Mall and proximity to the
19 Wharf, but as far as, you know, trying to expand that retail
20 footprint, we're not quite there.

21 COMMISSIONER SHAPIRO: Okay.

22 MR. HUGHES: And, Commissioner, if I could supplement
23 Drew's comments -- and your question in terms of it being a zoning
24 consideration, the zoning, the D-8 zone does not require the
25 retail space, but if -- but the criteria of this special exception

1 do require that if retail space is provided it contain 14-foot
2 clear ceiling heights, and this space does.

3 But to Drew's point -- and as a supplement, Drew, you
4 might want to talk about the grade change or the height, if you
5 will, of the ground floor of the landmark which takes up the bulk
6 of 12th Street.

7 MR. TURNER: Yeah, that's a good point, Dennis. Thank
8 you.

9 So the historic building itself is -- it's actually a
10 split-level. The lower level of that that we do have units in,
11 it's more of an English basement, and then the first floor of
12 the building is actually 6 feet above grade. So to actually make
13 that viable retail space, which is the majority of frontage on
14 12th Street, which is the primary frontage, is a serious job;
15 it's next to impossible as far as getting access into that area,
16 an ADA access for retail. So that is also another driver of
17 this, we're really limited on where the right location is for it.

18 COMMISSIONER SHAPIRO: Okay, that's a helpful answer,
19 I appreciate that.

20 That's all the questions I have, Mr. Chair.

21 CHAIRPERSON HOOD: Okay. Thank you.

22 Commissioner Turnball?

23 COMMISSIONER TURNBALL: Thanks, Mr. Chair.

24 Well, thank you for your presentation tonight. I think
25 you've dealt with a very awkward site, a very complicated site,

1 and I think you've handled it very well. And as Commissioner
2 May said, you made it through CFA, which is an ordeal in itself.

3 So I think the project looks -- I have no problems with
4 the way you're going with the design of the building, I think it
5 looks very good. And I always like it when people respect views
6 to the Capitol. It's nice to know that it's being looked at.

7 But I wonder if you could talk a little bit, you did
8 mention about the inclusionary zoning, I want to touch a little
9 bit on what you're providing.

10 MR. HUGHES: Drew, would you like to respond to that?

11 MR. TURNER: Yeah, I can speak to that as well. So,
12 given the D-8 zone and as far as the IZ requirement is, we're
13 providing just over 30,000 square feet of the density in the
14 building will be dedicated to affordable housing, it's 60 percent
15 of AMI. We -- right now, we're at 610 units, and that unit mix
16 is still changing a little bit. You know, with COVID, there has
17 been a lot of changes in terms of what we've seen as far as where
18 the market is going in terms of is it studios, is it one-bedrooms,
19 is it two-bedrooms. But as it stands right now that is what we
20 have in the building, we've got to make some studios and one-
21 bedrooms and two-bedrooms, and that is reflected within our IZ
22 unit mix as well for this project and it works out to -- I'm
23 looking at percentages now -- we've got 32 percent of them are
24 IZ, 45 percent are one-bedrooms, and 22 percent of the IZ will
25 be two-bedrooms.

1 COMMISSIONER TURNBALL: Okay. Yeah, I looked at your
2 -- you've got a plan, an IZ plan of units, and I looked at that.
3 But when I went back to look at the actual floor plans, I couldn't
4 get the IZ plans to match up with the floor plans in your
5 drawings. It looks like there were some changes. And so I was
6 confused in trying to place exactly where those units are going.

7 And I'm asking it because my concern always is that IZ
8 units always get placed in corners where you don't want to have
9 your market units. So I'm really worried about stacking, I'm
10 really worried about IZ units being over loading docks, and I'm
11 worried about being put in corners that you don't want to lease
12 or sell to market-grade people. And so it's hard for me to look
13 at your IZ unit plan and then go back to your other floor plans
14 in your building and see where the units really are. So I'm
15 looking at it with concern.

16 MR. HUGHES: Commissioner Turnball, I believe -- and
17 Drew can correct me if I'm wrong -- I believe the IZ unit plans
18 that are shown on that sheet, which we can pull up, if need be,
19 they reflect the more updated devising of the units. And we have
20 been very mindful of the points that you raise in terms of
21 location stacking, preventing stacking, and not having things
22 crowded into the less preferred locations of the building.

23 And in this building, you know, it's quite difficult
24 because we have four frontages. The east frontage is over the
25 Expressway, the south frontage is over the off ramp, the west

1 frontage is over 12th Street, and so on. And so I believe you'll
2 find that the mix and the location of the units is very integrated
3 into the building.

4 COMMISSIONER TURNBALL: All right. Well, I'm raising
5 that because I'm always concerned and I know that a lot of times
6 plans change. So I'm wondering if you've got your final plans
7 or if this is still in flux.

8 MR. HUGHES: It is still in flux, but that IZ plan --
9 and, Drew, again, correct me if I'm wrong -- the IZ plan reflects
10 the more advanced planning of the building layout.

11 MR. TURNER: Yes. And I can confidently say that that
12 IZ plan that we included, we included that and we looked at it
13 and we thought we did a thoughtful job of spreading out the IZ
14 units. They're on different floors, they're in different
15 locations. And though I can say that the exact unit count is a
16 little bit in flux because we're not sure on the final unit mix,
17 we can confidently say that the IZ unit location will be
18 consistent with what is in the plan that you're seeing today in
19 that package.

20 COMMISSIONER TURNBALL: Now, these are rental units?

21 MR. HUGHES: Correct.

22 MR. TURNER: Yes.

23 COMMISSIONER TURNBALL: Is parking tied into the mix
24 or is that a total separate package?

25 MR. HUGHES: It's separated. Parking is unrelated to

1 the units. That is part of -- I believe that's one of our TDM
2 measures.

3 COMMISSIONER TURNBALL: Okay, all right. Well, thank
4 you very much and I look forward to getting this site up and
5 running. Thank you.

6 MR. HUGHES: Thank you.

7 CHAIRPERSON HOOD: Okay. Again, I'm going to ask those
8 who are not talking, if you could mute, that would help with some
9 of the background feed we're getting.

10 Okay, Vice Chair Miller?

11 VICE CHAIR MILLER: Thank you, Mr. Chairman, and thank
12 you to the Applicant's representatives for your presentation.
13 This is very -- this is a project that has a lot of attractive
14 elements, as has been pointed out by my colleagues and by the
15 Applicant, obviously. Including something that I had the
16 opportunity to say often, even though there's disagreement on
17 this point, it's an important project that revitalizes and adds
18 vitality to unused, under-utilized and vacant space, particularly
19 in this federal office district, which there plans, both plans
20 that -- the Southwest and Maryland Avenue Plan and the NCPC-
21 adopted plans, adopted in collaboration with the city and others,
22 to encourage the transformation of the unused office space and
23 under-utilized space into a mixed-use zone with people living
24 there, and that's an important -- that's important for the city
25 and important for the Federal District of Columbia and that whole

1 area. The LEED Gold is a good item and is -- I mean, it's a
2 great element, as is all the historic preservation considerations
3 that have been factored into this.

4 You mentioned that there are -- I think you mentioned
5 that balconies were added at the request of the -- I don't know
6 if it was at the request of Office of Planning or whether it was
7 your own initiative, but can you say how many of the 600 units
8 have balconies and what was the -- if there was an evolution in
9 that number and if there's any rendering. I'm not -- it probably
10 is in the record, but I think I missed it, of a rendering that
11 would show the balconies on the building.

12 MR. HUGHES: Certainly. I am trying to pull up the
13 number of units that are anticipated. It's 16 percent, I believe,
14 it's roughly 96 units would have balconies.

15 And the history there, we were meeting with the Office
16 of Planning, it was the summer of 2020, and there was a
17 recommendation made to consider balconies where we could to
18 increase open space for the residents, and so the architecture
19 team studied that. And if we can pull up -- I don't -- we'd have
20 to go back into the slide that Mr. Young -- to the renderings,
21 which I think would probably be around Slide 11 or 12.

22 And, Commissioner Miller, we are showing that -- go
23 back, please --

24 MR. BOARMAN: Yeah, one more should be good. Yeah,
25 this is the --

1 MR. HUGHES: That's right. I'll let Jack --

2 MR. BOARMAN: Okay.

3 MR. HUGHES: -- describe them, but -- and, Jack, if you
4 would -- well, let me just offer, we're still studying this
5 because these projections will go across into the public right-
6 of-way, Federal Highway Administration-controlled land, this
7 requires a NHPA evaluation, and so we're working through them
8 with DDOT and the USDOT. So we're hopeful that that's going to
9 conclude favorably and so we're showing these projections. And,
10 with that, I'll turn it over to Jack to describe them.

11 MR. BOARMAN: Sure. Well, regardless, we have three
12 different building levels, the light brick, then the darker brick
13 that goes up to the 8th floor, and then the metal that is behind
14 both of those. But in the lighter brick on the edges all the
15 way around D and all the way around to the 12th Street Expressway
16 facade, we have corner balconies on all of those building masses,
17 and those were -- we originally had open balconies, and then the
18 discussion with CFA was to keep the building more prismatic and
19 more single massing forms, and so we developed these recessed
20 corner balconies that, you know, maintain the brick massing
21 simplicity. And I think they are workable on these elements kind
22 of regardless of the (indiscernible) projection.

23 And you can -- you can see three rows of them here on
24 the three building masses to the right --

25 VICE CHAIR MILLER: Right.

1 MR. BOARMAN: -- on the left-hand corner of each.

2 MR. HUGHES: And could you -- Mr. Young, could you go
3 to the next view? I believe that's going to be the east view.

4 MR. BOARMAN: Right. Here you can -- it really shows
5 in the elevation --

6 MR. HUGHES: Go forward, please, a few slides. One
7 more. There you go, thank you. We shot fast, there it is.

8 MR. BOARMAN: Okay. So on the left you can see --
9 well, there's a couple things. At the top of the 8th floor, the
10 gray brick that you can see just above the trees, that's a
11 terrace, and then the stepped brick elements, they vary in how
12 much they project away from the main building mass, three of them
13 project out over the property line, three of them are parallel
14 to the property line, and each of them have a single balcony
15 element at the corners that is the same as how we're handling it
16 on D Street.

17 So we have balconies all -- on two sides of the building
18 that aren't adjacent to the historic building we have a
19 significant number of balconies.

20 VICE CHAIR MILLER: So will any of the -- does your
21 plan show that some of the inclusionary units include balconies,
22 or it doesn't have that level of specificity?

23 MR. HUGHES: Drew, can you respond to that or --

24 MR. TURNER: I'm trying to pulling it up. Give me one
25 second. I'm just looking at plans and I don't want to say

1 something that's not true.

2 VICE CHAIR MILLER: I'm looking at your inclusionary
3 zoning unit layout, but I couldn't tell from --

4 MR. TURNER: Yeah, I'm looking at a couple that do.

5 VICE CHAIR MILLER: Yeah, I guess so.

6 MR. TURNER: Yeah. There's a few on the 4th, 5th, and
7 6th floor on the far west elevation, and then on the 6th and 7th
8 floor on the south elevation, 8th and 9th floor on the south
9 elevation, 10th floor on the south elevation. So to answer your
10 question, yes, some of those terraces and balconies will go to
11 the affordable units.

12 VICE CHAIR MILLER: Okay. Well, that's a good thing.
13 Private open space is more of a premium value in this pandemic,
14 post-pandemic period than it was previously, although they've
15 always been valuable, even though this particular project has
16 views of some of the best public open space in the world, so
17 that's a good thing too.

18 The units that are on -- how many units are on the --
19 residential units are on the penthouse level? Are there units
20 on the penthouse level with the roof (indiscernible) --

21 MR. TURNER: Yeah, yeah --

22 MR. HUGHES: I believe it's 12.

23 MR. TURNER: -- 12 units.

24 VICE CHAIR MILLER: Twelve units, okay. Do any of
25 those -- does that penthouse habitable space trigger the 50-

1 percent MFI inclusionary zoning requirement and, if so, how much
2 and where is that unit -- or two or three or whatever -- where
3 is the 50-percent MFI unit housing located?

4 MR. HUGHES: Commissioner Miller, I'm not sure if we
5 have identified which of the units would be listed at the 50-
6 percent MFI level, but it would -- the space that's provided and
7 is habitable, Drew or Jack, if you have the details, you could
8 chime in here, but I don't believe that was on its own enough to
9 do (indiscernible) square footage for a particular unit.

10 So all of the -- the IZ requirement is a combination
11 of the residential GFA in the building and in the penthouse, and
12 so that goes to the 30 -- I believe 36, 37,000 square feet of
13 GFA that Drew mentioned before, and one of those units -- or
14 whichever number of units is generated as a result of the
15 penthouse habitable will be set at 50-percent MFI, but I don't
16 know which unit it is.

17 VICE CHAIR MILLER: Okay, so --

18 MR. TURNER: So I can answer that saying we have not -
19 - we had not gone to that level yet when we went to the IZ plan
20 of identifying which units would be the 50 percent.

21 VICE CHAIR MILLER: Okay, so but if you can in whatever
22 you provide as a supplemental statement how -- if you can provide
23 how much 50 percent medium family income housing is being
24 provided, what's the square footage or how many units are being
25 provided, even if you can't --

1 MR. HUGHES: Commissioner Miller, I'm told that it's
2 approximately a thousand square feet. So I believe that's
3 accurate and so I stand corrected.

4 And (indiscernible) note, because -- and I may be
5 corrected as soon as I say this, but because the building has
6 now been reduced in height to 119 feet, as opposed to 130 feet,
7 I believe that, you know, technically, one could consider the
8 penthouse a floor, we're treating it as a penthouse. And so we
9 are aware that as a result of that that the generation of IZ from
10 the penthouse habitable has a slightly lower affordability level,
11 and the Applicant is aware and proceeding under that
12 (indiscernible) --

13 VICE CHAIR MILLER: Okay. Well, if you can provide any
14 further information or clarification on that in any supplemental
15 statement. But, again, I appreciate that the rest of the units
16 are at the 60 percent MFI level, and I appreciate Commissioner
17 Turnball's questions about their location being equitably
18 distributed in accordance with our regulations.

19 And I'm aware -- I'm certainly aware of the chairman's
20 opening statement about what this -- what kind of case this is
21 and what kind of case it is not, and that it's not a public
22 (indiscernible) planned unit development where public benefits
23 and amenities are being proffered. This is in the downtown D-8
24 zone and there's specific special exception criteria and variance
25 criteria that applies to that -- or special exception criteria

1 that applies to that, which does not deal with public benefits.
2 But did you consider -- having said all that, did you consider,
3 given the community comments that we've received on this case,
4 which I'm sure you've read, and the ANC's own comments, which are
5 supportive, did you consider increasing the amount of
6 inclusionary zoning beyond the minimum of the eight percent
7 that's required under our regulations?

8 MR. MILLSTEIN: So, if I may, Commissioner Miller, I'll
9 take that one. So we did far more than just consider it, we
10 actually studied and then we went back and studied it again. We
11 were tasked hard by the ANC, their mission was very clear, they
12 wanted additional affordable housing. It's a large project, it's
13 a lot of units, it's a city block, we're a large developer, we
14 have to do more, and we don't take that lightly. We went back,
15 you know, and we didn't quickly say yes, we didn't quickly say
16 no, we actually ran the numbers, we looked at the performance.

17 Nobody is ever going to feel sorry for the developer,
18 I'm never going to cry the poor boy blues because it's a waste
19 of time, but at the end of the day these developments are a net-
20 sum game, they're math. This project is very challenging and
21 challenging is expensive on a per-square-foot basis. When you
22 mix in the Metro Steam Tunnel, the WMATA tunnel we have to build
23 around, the preservation of the Cotton Annex, the loss of density
24 that we're not taking advantage of, the lost height that we're
25 not taking advantage of, the extra year of planning we've spent

1 on this comes at an extreme cost. This is a complicated,
2 challenging project.

3 So, you know, yeah, we're doing the minimum, but the
4 minimum is 50 units. That's the size of a small building in the
5 District of Columbia for affordable housing and these are high-
6 quality units in a masterfully-built building. So I will tell
7 you, we pushed as hard as we could.

8 There's so many things that are piling on to develop
9 in this city today. There's a housing problem, I get it. I'm
10 in the streets every day, my children live here, I was born here.
11 We have to solve it another way and it's not through, in my
12 opinion -- and this is my opinion you asked, you know -- pressing
13 developers to get two or three more units, or another ten percent
14 or another two percent. We need much better, sweeping changes
15 in the District. We pushed this project hard and it's at its
16 edge, but we took it very seriously, because we really wanted to
17 make the ANC as happy as we could and the community, plus we want
18 to provide affordable housing. We run a company in this city,
19 we have employees that are District residents, you know, we're
20 all about it, but we've gone as far as we could on this one and
21 we need to hold. And this Commission knows that, when we could
22 in the past, we have frequently. And that's it.

23 VICE CHAIR MILLER: Okay. Well, I appreciate that
24 answer, even though it won't be fully satisfactory to some in the
25 community, but I appreciate it. And there are a lot of

1 challenges, obviously, with this project, which could be a case
2 study for somebody to see how you get -- what challenges you do
3 have in the District and Federal Government to build a building
4 next to the Mall with all the various reviews.

5 And, speaking of that, you mentioned -- so you
6 mentioned that even the balconies project into some public space
7 of the highway, so that requires a whole other federal agency and
8 NHPA process, which is just amazing that that figures a NHPA
9 process, but that's the way it is. You mentioned the GSA -- that
10 you have -- the GSA pipes that need to be relocated certainly,
11 which is the utilities that are servicing all the -- many federal
12 buildings, I guess, around -- facilities around the area with
13 water and steam and, I guess, heat and air conditioning. Where
14 does -- you're working on that, but where are those pipes being
15 relocated? I see --

16 MR. TURNER: So the current plan right now and it's
17 still being developed, we're pricing a couple different
18 scenarios, but it's looking like the location is going to be
19 basically in their same location, north-south, but drop them into
20 our slab and trenches when we actually build our foundation in
21 that slab, and have plates on top of them so they can be accessed.
22 So that's kind of the latest iteration of what we're looking at
23 as far as relocation and it's one that the team over at the GSA
24 plant has blessed in concept, and, you know, we're coordinating
25 very closely with them and that's the plan.

1 VICE CHAIR MILLER: Okay, thank you. Just one -- going
2 back to the housing, one question. Mr. Turnball asked a question
3 about this and I didn't quite get the answer. What's the over -
4 - I know you're still working on the overall mix of sizes of
5 units, but what's the over -- of the 610 units, what is the mix
6 of size of these units and how does that translate, again, into
7 the size of the inclusionary zoning units, if you can just repeat
8 that for me?

9 MR. TURNER: So right now there are -- and this is
10 where things get a little bit -- I'm trying not to be -- make
11 this too confusing because there's a difference between an urban
12 one-bedroom -- in terms of what IZ considers a one-bedroom versus
13 what we might consider a one-bedroom in terms of a unit that's
14 got a bedroom even though it's not on a window line, it's an
15 interior bedroom -- as far as from a pure IZ standpoint, 42
16 percent of our units are studios -- I'm sorry, 45 percent of the
17 units are studios from an IZ standpoint, 41 percent are one-
18 bedrooms, and 13 percent are two-bedrooms.

19 VICE CHAIR MILLER: That's -- those percentages apply
20 to the IZ units, you're saying?

21 MR. TURNER: That's correct.

22 VICE CHAIR MILLER: And that's roughly the same
23 percentage as the over --

24 MR. TURNER: That's correct, yes.

25 VICE CHAIR MILLER: Okay.

1 MR. TURNER: We're a little higher on the two-bedrooms
2 in terms of the IZs versus the market rate, but I think that's
3 just a function of how square footage lays out which is the larger
4 unit on the IZ side.

5 VICE CHAIR MILLER: The 13 percent of IZ that are two-
6 bedroom units translates to --

7 MR. TURNER: We have 12 percent two-bedroom units that
8 are market rate and we've got 13 percent that are IZ rate.

9 VICE CHAIR MILLER: And the number of units that that
10 is -- the number of two-bedroom IZ units is, what, five?

11 MR. TURNER: Is -- the number of two-bedroom IZ units
12 is -- what I'm looking at right now is seven units --

13 VICE CHAIR MILLER: Seven units.

14 MR. TURNER: -- I think that makes sense.

15 VICE CHAIR MILLER: Okay.

16 MR. TURNER: Yeah.

17 VICE CHAIR MILLER: Okay. Well, to the extent you can
18 -- in meeting all the challenges that you're trying to meet, if
19 you can increase the IZ beyond the minimum, that of course would
20 always be noted and appreciated and applauded. So if you're able
21 -- I know you've studied it, I know there are a lot of challenges
22 here, I know there are a lot of regulatory burdens. Maybe we
23 should have had another regulatory burden in the D zone for IZ,
24 but we don't yet. So, to the extent you're able to consider any
25 increase there, that certainly would be appreciated.

1 But thank you for your presentation; it's a very
2 attractive project.

3 Thank you, Mr. Chairman.

4 CHAIRPERSON HOOD: Thank you, Vice Chair Miller.

5 Let me start off by saying, I want to associate myself
6 with some of my colleagues' comments, in particular Commissioner
7 May. And CFA approval, I'm not sure how that all works, but I'll
8 take his word for it, but I am familiar with GSA. Having been
9 the facility person over the whole agency and the roof leaking
10 for so long, I probably should say, so I understand how it is to
11 wait and try to get the money. So I really appreciate what's
12 been done here.

13 I think, as Mr. Millstein has mentioned, there are some
14 issues in trying to get this whole project, you know, wrapped
15 around. And again, as I said in my statement, this is a design
16 review and it's a D-8 design review, which I want to follow Mr.
17 Cochran, who's (indiscernible) in the office, along with -- sorry
18 about that -- the old-timer wasn't talking, nobody came to the
19 door and the phone didn't ring.

20 So Mr. Cochran, who did (indiscernible) because we did
21 our first case and this is our second one, and as far as I'm
22 concerned, from a legal standpoint, it meets all the changes, but
23 by doing it as Mr. Millstein questioned -- and I'm going to go a
24 little bit against what I said in opening about the affordable
25 housing and I think that discussion needs to be had. It doesn't

1 apply here and it can't apply here, because that's not what the
2 rules say, but my question -- and I don't want to undo anything
3 that Chairman Daniels and the community have done, I don't want
4 -- but the contribution -- why? Let me just ask it like that.
5 Why?

6 I'm not trying to do undo it. I think it's great when
7 communities work together because what's starting to happen
8 (indiscernible) is a lot of folks in the city are starting to
9 tie that in and say, oh, this is part of the process when actually
10 it is not, and I'm trying to figure out the -- while I encourage
11 it and I think it's great, but they include us in it, which causes
12 a problem, and then we become the bad folks. So why? I'm just
13 curious. Why?

14 MR. MILLSTEIN: I'll be glad to answer that, Mr.
15 Chairman. So I'll tell you -- and, to your point, I think Mr.
16 Daniels will reiterate -- in our conversations with the ANC,
17 several of them, we made it clear that we didn't believe we owed
18 any public benefits package on this project by the letter of the
19 law. It's not a PBD, there's not a benefits requirement, that
20 we simply were there as a good neighbor. We do endeavor to be a
21 good neighbor. We do want to help, we are sympathetic to the
22 causes of the world, as some people may not believe so, but that's
23 okay, we want to make it better.

24 So we didn't do it as if we owed you or owed the
25 community or owed the ANC a benefits package, we put it out there

1 | because we wanted to. We want to help in some fashion.
2 | Affordable housing on this one wasn't going to be the way to do
3 | it, although we're still providing 50 or so, which is a
4 | substantial amount and that's great, but we wanted to go a little
5 | bit further. You know, that's just -- that's the way I was
6 | raised. Somebody invites you to their home, you bring them a
7 | bottle of wine, right? So we wanted to be neighborly, we wanted
8 | to be friendly, and that was what that was about.

9 | It started out at \$25,000, that was what the hotel I
10 | believe offered, to -- and it started out as a fund to try to
11 | help local businesses, it started out as a COVID relief fund for
12 | rent relief. We discussed many different opportunities, but it
13 | was really just a token of our appreciation to try to help the
14 | community move forward and that's what it was, not that we felt
15 | it was a part of the project as required. We were very clear
16 | about that.

17 | CHAIRPERSON HOOD: Okay. Thank you. And I do know
18 | that -- we have had a hearing and I do know that during this
19 | development, I think during that hearing, I think it was a
20 | question -- and I remember this clearly -- there was a question
21 | going back and forth between Mr. Turnball and you, Mr. Millstein,
22 | and off the cuff or something, I think \$70,000 came right out of
23 | the cuff.

24 | So, you know, we appreciate all that you all have been
25 | doing in this city, we appreciate -- I know you make many

1 contributions, especially here in Ward 5, we really appreciate
2 Hecht's Warehouse, what's going on over there, we appreciate it,
3 but -- which is going to lead me to my next question -- and I'm
4 just using this forum because I've been thinking about it and
5 I'll probably get another letter going -- I got one over there
6 already, so the rest can go as well, and then they can just let
7 me know when I'm right and when I'm wrong -- but I'm thinking, I
8 don't know if this city -- and this is probably going to be a
9 question I'm going to have to ask Ms. Snodgrass in Office of
10 Planning at some point -- is there a housing task force? I know
11 years ago there used to be one. Because, for me -- and I know I
12 put it -- in this case, I think we have some people who need to
13 be in the room and to kind of hash it out, like yourself, Mr.
14 Millstein and Mr. Daniels -- Millstein, I'm sorry -- and Mr.
15 Daniels and Mr. McKinney and some of the others.

16 And I'll tell you why I think that (indiscernible)
17 because I think it's very important to understand that Zoning and
18 Zoning Commission cannot only do affordable housing. I do know
19 that Council Member Bonds is working on some stuff, but for me -
20 - and I got questioned a little bit about this earlier, a brief
21 question -- for me, the MFI could be lower, but I don't know what
22 the alternatives are from a building schedule. So we need to
23 get all those people in a room and let's hash it out, let's try
24 to figure it out, but Zoning cannot be the only tool in the
25 toolbox, which everybody is doing and saying and then we, me and

1 others, are the baddest guys in the city. Look, I live in
2 Northeast, I don't -- I can't afford some of this stuff and I
3 know that.

4 So let's try to see what we can do -- and I'm not
5 talking about the Commission, but this is something I'm going to
6 try to go down -- and I think about this stuff, Chairman
7 (indiscernible) and others, I think about this even after we're
8 off here. Now, how can we get to this? And I know I've had
9 conversations with many members in the community, not about a
10 specific case, but how do we get there? And I think we have a
11 lot of talent even right here that could have that conversation
12 and start helping the powers that be to get us where we need to
13 be. Everybody is talking about, but it's time for us to start
14 doing something about it.

15 And that's not a lecture, that's the truth. I'm going
16 to start with what I can within my realm trying to push that.
17 It's not germane to this case, but I figured I would use that
18 time and use this forum to do that.

19 Any other questions or comments? Well, let me ask
20 this, does it sound like it's something that's doable?

21 MR. MILLSTEIN: Can you hear me?

22 CHAIRPERSON HOOD: Yeah, I can hear you now.

23 (Pause)

24 CHAIRPERSON HOOD: I can't hear you now, Mr. Millstein,
25 I can't hear you. Yeah, there you go.

1 MR. MILLSTEIN: Okay. So I second your -- you know,
2 listen, not only did you feel as if it falls on your shoulders
3 as the chair of the Commission, but I feel that it falls on ours.
4 I don't like to think -- you know, perpetuated as an
5 unsympathetic, you know, not a good steward development company,
6 because I don't feel we are that. I sleep very well at night.
7 I think we can help. I think it's important to have the
8 development community at the table because I'm -- in order to fix
9 affordable housing, it has to be a win-win, and there's
10 (indiscernible) situations and get the (indiscernible) job done,
11 but we're not there. So I actually believe that -- I have some
12 very creative ideas on how to move affordable housing forward,
13 so that people will be incentivized to build it and there will
14 be quality product, and we'll build some really great communities
15 with it. I think it's a brilliant idea and I for one would love
16 to participate in it, because I'm a very straight shooter, as you
17 know, and I think I can bring something to the table. I believe
18 it is fixable if we get the right people to the table.

19 CHAIRPERSON HOOD: Okay. I'm going to start making
20 that suggestion. I'm going to find out what I can and cannot
21 do. So I will be trying to push that and we'll go from there.
22 And I hope -- and I'm not putting this on the Zoning Commissioner.
23 If you want to talk to Office of Planning and let my legal counsel
24 guide me and tell me when I need to stop. So I appreciate that
25 and thank you very much. And some other questions are going to

1 | come to others as we proceed.

2 | Let me see. Any other follow-ups, second go-arounds?

3 | Okay, I'm not seeing any.

4 | Let's go to the ANC. Do you have any cross-examination,
5 | Chairman Daniels?

6 | MR. DANIELS: Chair, no, I don't have any cross-
7 | examination. I just have our testimony here whenever that comes
8 | to that time.

9 | CHAIRPERSON HOOD: Okay, sounds good. Thank you.

10 | Let's go to the Office of Planning and District
11 | Department of Transportation. Ms. Schellin, let me see, who is
12 | doing the -- Mr. Cochran -- and who's doing -- and Ms. Vodka, I
13 | believe, yeah.

14 | MS. VODKA: Vodka.

15 | CHAIRPERSON HOOD: Right.

16 | MR. COCHRAN: Thank you, Mr. Chair. I'm Steve Cochran;
17 | I'm representing the Office of Planning on Zoning Commission Case
18 | 20-34. And OP is recommending approval of the special exception
19 | request for the proposed LEED Gold-certified 600-unit apartment
20 | building with ground floor retail, pursuant to Subtitle I,
21 | Section 581, and Subtitle X, Section 901; also the requests for
22 | variances pursuant to Subtitle X, Chapter 10, from Subtitle I,
23 | Section 207.1's open court minimum width requirements; and
24 | Subtitle I, Section 200.3 prohibition on increasing building
25 | density within the footprint of an historic structure. And please

1 | excuse me for trying to jam so many numbers into one sentence.

2 | We also have no objection to the flexibility requests
3 | noted on page 10 of our report.

4 | All development proposals in the D-8 Zone, as you
5 | probably know now, have to reviewed as special exception by rule
6 | and, depending upon the location, they also have to be reviewed
7 | by either NCPC or the Commissioner of Fine Arts. There's no such
8 | thing as a by-right project in the D-8 Zone.

9 | But I'd just like to clarify here, even though the CFA
10 | reviewed the design in the case, D-8 applications are exempt from
11 | the design review provisions of Subtitle I, Chapter 7 in downtown,
12 | and Subtitle X, Chapter 6 of the general -- more general zoning
13 | regulations.

14 | The purpose of the D-8 Zone is to foster the transition
15 | of what had been a federal office enclave into a successful mixed-
16 | use neighborhood, as the Federal Government sells or long-term
17 | leases some of its properties in the area.

18 | I went over the guiding principles for the zone last
19 | week and the Applicant reviewed them again this evening. So,
20 | unless you'd like, I'm not going to subject you to another reading
21 | -- statement of all of that. I would note, however, that the D-
22 | 8 Zone is structured to encourage residential development and,
23 | if this project is approved, it would deliver the first housing
24 | and the first IZ units in what had been this federal office
25 | enclave in downtown.

1 The proposal meets the seven special exception criteria
2 particular to the D-8 Zone, as well as the general special
3 exception review standards in Subtitle X. The compliance was
4 reviewed in the Applicant's testimony and it's detailed in our
5 report.

6 And with respect to the variance requests, the
7 Applicant has reviewed tonight how those tests are met, and OP
8 detailed this in our report -- and actually I've detailed it in
9 my testimony before I started chopping it after the Applicant
10 handled everything. However, I've gotten a few questions about
11 the regulations governing density within the historic footprint
12 and I'd be happy to explain, if you'd like, but, if not, that
13 concludes OP's testimony.

14 CHAIRPERSON HOOD: Okay. Commissioners, first, before
15 we go to Ms. Vodka, if you would like Mr. Cochran to explain this
16 being a historic -- I see a head nodding. So Vice Chair Miller
17 would like and I'm sure (indiscernible) be helpful. So if he
18 can do that briefly, that would be great.

19 VICE CHAIR MILLER: Sure. In the downtown zones, no
20 new construction is permitted within the footprint of an historic
21 structure if that new construction would result in increasing the
22 density within the footprint of that historic structure above
23 6.1.

24 The restriction is intended to reduce the incentive to
25 build additions that might interfere with the integrity of

1 historic structures, but the restrictions don't govern the whole
2 site, just the footprint of the historic building. And for this
3 application, that's why the historic building plus the proposed
4 addition could achieve that at 7.34 FAR without exceeding the
5 zone's FAR restrictions, but then it also requires relief for the
6 additional density within the historic footprint.

7 The existing historic building has an FAR of only 0.79,
8 if you measure it against the entire development site, but it has
9 an FAR of 6.45 within the outline of the historic building. This
10 would increase to 6.78 within, again, the outline of the historic
11 building, that would require a variance. As you know, the overall
12 building is well below what's allowed.

13 I hope that helped, not further confused.

14 CHAIRPERSON HOOD: I think we're good. We may have
15 some follow-up questions, Mr. Cochran, but thank you. We may be
16 coming to you a lot. I know you're one of (indiscernible) of
17 the D-8, so we will definitely be relying on you quite a bit.

18 Let's see. Ms. Vodka, DDOT?

19 MS. VODKA: Thank you, Mr. Chair. For the record, my
20 name is Kimberly Vodka, with the District Department of
21 Transportation.

22 DDOT is supportive of the proposed special exception
23 review and variance to rehabilitate the existing Cotton Annex
24 building to allow a 610-unit residential building on the subject
25 site.

1 The proposed development is projected to generate more
2 than 25 vehicle trips in the peak direction during the evening
3 hours. As such, the Applicant was required to submit a
4 comprehensive transportation review, or CTR, study.

5 The study assumed approximately 30 to 40 percent of
6 trips will be traveled by vehicle and the remainder by walking,
7 biking, or transit. The proposed project is expected to generate
8 a significant number of vehicle and transit trips and a moderate
9 number of bicycle and walking trips during peak hours. As such,
10 two of the study intersections would unacceptably degrade the
11 level of service, triggering the need for mitigation through the
12 Transportation Demand Management, or TDM, plan.

13 The Applicant has agreed to a TDM plan, as shown by
14 Exhibit 16 in the record. DDOT believes the TDM plan is
15 sufficiently robust to mitigate the proposed impacts, and DDOT
16 staff would like to emphasize that we agreed to the removal of
17 the condition outlined in the DDOT staff report, or Exhibit 13,
18 that advocated for the Applicant to install and upgrade
19 intersection improvements at C Street and 13th Street.

20 The Applicant is proposing to provide 93 vehicle
21 parking spaces in a below-grade parking garage, equating to a
22 0.15 parking ratio, well below DDOT's preferred maximum parking
23 ratio of 0.3 spaces per unit.

24 The Applicant has also agreed to provide to electric
25 vehicle charging stations as part of the TDM plan. Additionally,

1 the Applicant plans to exceed the zoning requirement for bicycle
2 parking by providing 20 additional long-term bicycle parking
3 spaces within the development. These parking ratios also help
4 to mitigate the impacts from the proposed residential
5 development.

6 DDOT worked with the Applicant to design the loading
7 berth platform and delivery space off of C Street. The proposed
8 design is consistent with the zoning regulations' loading
9 requirements and include head-in and head-out (indiscernible)
10 movements.

11 Overall, DDOT supports the projects and welcome any
12 questions. Thank you.

13 CHAIRPERSON HOOD: Okay, thank you, Ms. Vodka. Thank
14 you both, Mr. Cochran and Ms. Vodka.

15 Let's see if we have any questions or comments of
16 either. Commissioner May? Commissioner Shapiro? Commissioner
17 Turnball? And Vice Chair Miller?

18 I don't have any questions as well. It's funny you've
19 got to look around to find out where everybody is.

20 Okay. Let's go to the ANC. Chairman Daniels
21 (indiscernible) report?

22 MR. HUGHES: I'm sorry, Mr. Chair, would it be
23 appropriate for me to address the OP report briefly
24 (indiscernible) --

25 CHAIRPERSON HOOD: It's very -- it's very appropriate

1 for you to do cross-examination and forgive me. I make two
2 mistakes every year -- no, I'm just playing, probably --

3 MR. HUGHES: No, no, I don't have any cross-
4 examination, but in my opening I had remarked about the
5 flexibility -- the standard flexibility request that we had made
6 as part of our prehearings. Mr. Cochran very concisely laid that
7 out in page 10 of the Office of Planning report and --

8 COMMISSIONER MAY: Mr. Hughes, can I interrupt?

9 MR. HUGHES: Yeah.

10 COMMISSIONER MAY: I mean, this is rebuttal, not cross,
11 right? And we're looking for cross, aren't we?

12 CHAIRPERSON HOOD: No, no. Let me straighten that out.
13 I allowed -- I told Mr. Hughes he could do that, but I thought
14 you were going to ask questions, but you can do rebuttal at the
15 end. Okay?

16 MR. HUGHES: Certainly, certainly.

17 CHAIRPERSON HOOD: So --

18 MR. HUGHES: No, I have no cross --

19 CHAIRPERSON HOOD: Do you have questions?

20 MR. HUGHES: I have no questions, and I appreciate both
21 OP and DDOT's input on this. Thank you.

22 CHAIRPERSON HOOD: Okay. Okay, great. Wait a minute,
23 ANC. Chairman Daniels, do you have any cross of either OP or
24 DDOT?

25 MR. DANIELS: No, sir.

1 CHAIRPERSON HOOD: Okay, great. All right. So, with
2 that, other government agencies, I think we talked about some of
3 the agencies, CFA and others, GSA and others, and I'm not sure
4 what else was in the record, but if somebody has something. I
5 have not called you, I don't have my file open, just yell it out,
6 and we'll keep on going.

7 Okay. In that case, Chairman Daniels, we're ready for
8 you. You can give the ANC report.

9 MR. DANIELS: Great. Thank you, Chair, I appreciate
10 that. I appreciate the rest of the Commission here.

11 So my report, my testimony here very much follows the
12 letter that we submitted to Zoning. So, at our regularly
13 scheduled and properly noticed meeting on March the 8th, the ANC,
14 with a quorum present of four commissioners, all of our
15 commissioners were there, voted 5-1-1 to support the D-8 special
16 exception and relief associated with Zoning Case 20-34 with the
17 following conditions that I would like to reiterate.

18 The Applicant, the Jemal's Cotton Annex, will design
19 the project with no discernible difference between the interior
20 finishes of the affordable units and the market-rate units. The
21 Applicant will fully comply with the IZ requirements, including
22 those -- including the unit types and distribution in the
23 building, similar to what they have already shown in Exhibit A
24 that we've all seen.

25 The Applicant will join the Southwest Bid as a member

1 no later than the issuance of the certificate of occupancy of the
2 building.

3 And I would also like to express the importance of the
4 Applicant joining the Southwest Bid. We have the Southwest Bid
5 within our ANC, which is one of the most exemplary bids in the
6 City and in the region. The Southwest Bid is not just a bid that
7 hangs banners, pushes brooms, and hosts networking events. The
8 Southwest Bid during the COVID-19 pandemic partnered with the
9 World Central Kitchen and DCPS to deliver 1,000 meals daily from
10 March until Labor Day of 2020. They partnered with the DC Central
11 Kitchen and DCPS to deliver currently 500 meals per week.

12 The Southwest Bid also provides daily homeless outreach
13 through the Southwest community. Feeding, wellness checks,
14 clothing, and referrals to houses are all included in their work
15 with the homeless population of Southwest.

16 So the Southwest Bid is -- it's very important that
17 this Applicant expresses their interest and has agreed upon
18 joining the bid, unlike some other developers that we've worked
19 with throughout ANC 6D.

20 The Applicant began with a generous offer of \$25,000
21 to a local Southwest-based 501(c)(3). That offer, through
22 discussions with the ANC, was increased to \$100,000 that will be
23 issued to the Southwest Community Foundation, as agreed upon by
24 my colleagues and myself. This benefit will be payable 50 percent
25 upon issuance of the final zoning order and 50 percent upon

1 issuance of the property's CO.

2 The Applicant has provided a signed letter to the ANC
3 attesting to the above donation of the \$100,000 to the Southwest
4 Community Foundation.

5 The Applicant has also agreed to work with the ANC,
6 DDOT, and other projects in the vicinity of the 12th Street
7 construction zone to ensure that pedestrian and bike access is
8 conveniently retained in this area, including a crossing at C
9 Street, and that construction vehicles routing is defined and
10 better understood; and that any staging in coordination with the
11 adjacent development at 280 12th Street, as well as other projects
12 in the area, is upheld and proceeds as demonstrated.

13 The signing and marking area are to ensure that there
14 are no stopping restrictions along 12th Street, as well as the
15 terminus of C Street Southwest, as needed to ensure that the
16 turnaround area can function safely. It's very important that
17 12th Street remain open as this is a significant commuter
18 throughway for the Southwest community.

19 We also want to express our desire as an ANC that the
20 Applicant make their best efforts to include at least two three-
21 bedroom affordable units in the project as part of the mix, and
22 that Zoning considers allocating a greater share of the
23 affordable units towards two or more bedrooms and less towards
24 the studios.

25 When it comes to affordable housing -- and I have to

1 say this to the Zoning Commission as well as to the general public
2 -- when it comes to affordable housing and the need for affordable
3 housing, you are preaching to not only the choir, you're preaching
4 to the pulpit, you're preaching to the organist in the back, and
5 everyone else in the back of the church when it comes to our
6 desire for affordable housing in ANC 6D.

7 ANC 6D feels that the District's regulations are too
8 weak on ensuring that the supply provided through new development
9 will meet the District's needs. Developments such as this can
10 meet the letter of the law's requirements whereby they only need
11 to meet the minimum threshold, but not what we believe is the
12 spirit of the law. That threshold is just a starting point and
13 not an ending point.

14 And, as Chair Hood said earlier, we are highly, highly
15 interested in creating an affordable housing task force within
16 the next calendar year, and we invite the developers and any
17 members of the community who have thoughts on affordable housing
18 to join us in the effort to create a task force to specifically
19 discuss affordable housing.

20 ANC 6D voted 7-0-0 for myself as chair to testify and
21 support this application pursuant to the above-referenced
22 conditions today.

23 And I also would like to say, in addition to my comments
24 on affordable housing, that our ANC and this Commission
25 understands that our ANC has a long-standing embrace of and

1 advocates for affordable housing in the District. It is
2 unfortunate that our current IZ rules do not require developers
3 to provide more affordable housing in their projects; this
4 obviously needs to change. ANC 6D continues to lobby the Mayor,
5 the Council, and this Commission to change those rules.

6 As we've seen and said in prior testimony before this
7 Commission, affordable housing must be addressed by our elected
8 officials. Affordable housing is not campaign rhetoric to be
9 raised only during election time. The crisis for housing is real
10 and needed, and action is required now.

11 And, again, we encourage any community members, any
12 elected officials, the developers and this Commission to work
13 with us to create a housing task force to tackle the affordable
14 housing need.

15 So those are all of my comments here on this case, but
16 we do support the application.

17 CHAIRPERSON HOOD: Thank you, Chairman Daniels. I
18 really appreciate your comments. You took me to what I hear,
19 you're preaching to the choir. But one of the things that I do
20 know, don't take your (indiscernible) cue from the pew, because
21 sometimes the pew don't have your best interests. All right? So
22 I wanted to add that to what you were saying.

23 But I will say, we need to really think about this task
24 force. I really think, at the time when all this was put in
25 place, a lot of those commissions I mentioned at another hearing,

1 I think the other night that you were at, a lot of those
2 commissioners and folks who worked on what we have in place now,
3 some of them have passed on and some of them have gotten older.
4 Maybe it is time to take another look at it, if we want to start
5 trying to figure it out. I'm going to see how far I can go. And
6 I would like to do it not just for 6D, but citywide, at least
7 that's -- I'm going to see how far I can go without getting in
8 trouble. So that's kind of what I'm going to do.

9 But let me open it up and what I'd like to do -- and I
10 would like for you -- and this comes from the other night, and
11 Mr. McKinney and others, and Mr. Millstein and others who have
12 talked about it -- and there's a whole lot of others who need to
13 be involved in that conversation who bring a lot of expertise to
14 the equation.

15 All right. And this -- let me just say this, this is
16 not the Zoning Commission taking the lead, it's just that the
17 Zoning Commission is getting beat up for something that really
18 is out of our control. But it could be in our control if the
19 regulations were changed, but there's a lot of other caveats that
20 go along with this. It's not just add ten more units, there's
21 some other things, some other factors and economics that go into
22 it, but that's what that task force would help figure out. We're
23 going to put different walks of life, different people in that
24 room -- I'm hoping -- to help us get through this. So the Zoning
25 Commission should stop getting beat up and maybe the Council can

1 start getting beat up and maybe the Mayor can start getting beat
2 up for things that are in place that need to be revisited.

3 So we will see how it goes. I'm sure that everybody -
4 - and if my colleagues disagree with me, that's why everybody has
5 a vote, but I think everybody is about affordable housing. We're
6 talking about it, it's time for us to be about it. But, for me,
7 I have to figure out how I can do it in the capacity where I am.

8 So let me open it up for any questions or comments.
9 Commissioner May? Commissioner Shapiro? Commissioner Turnball?
10 And Vice Chair Miller?

11 Okay, thank you -- oh, does the Applicant have any
12 cross? I'm sorry.

13 MR. HUGHES: No, sir.

14 CHAIRPERSON HOOD: Okay, all right. Thank you,
15 Chairman Daniels.

16 All right, Ms. Schellin, let's look into the waiting
17 room and see who is --

18 MADAM SECRETARY: So we've got -- we have two witnesses,
19 to proponents, that will be Mr. Padro (phonetic) and Ms.
20 Henderson.

21 CHAIRPERSON HOOD: Okay, let's bring them up. And
22 we're going to start off with Ms. Henderson and then we'll go to
23 Mr. Padro.

24 MADAM SECRETARY: And they both are representing
25 organizations. I'm sorry, I should have said that, five minutes.

1 CHAIRPERSON HOOD: Okay. So they both have five
2 minutes?

3 MADAM SECRETARY: Yes.

4 MS. HENDERSON: Good evening, Chairman Hood, members
5 of the Commission, ladies and gentlemen in the viewing audience.
6 I am Kathy Henderson. I am an award-winning, ten (indiscernible)
7 advisory (indiscernible) -- can you see me? All right. Former
8 (indiscernible) Preservation and Review Board, a past trustee for
9 the Committee on 100 -- the Committee of 100 on the Federal City,
10 and I am a strong proponent of the Height of Buildings Act of
11 1910.

12 I am the coordinator of 5B Court Watch and I'm
13 testifying on behalf of the organization, as you indicated. Our
14 organization addresses matters of public safety and the impact
15 of zoning cases before the court on our neighbors.

16 First, my experience with Douglas Development -- the
17 person -- Douglas Jemal, the person -- is that he is a visionary
18 that has created an impressive portfolio of well designed and
19 executed development projects that benefit our great city. The
20 Ivy City Hecht's Warehouse project that you mentioned earlier,
21 Gallery Place, Chinatown, the Mount Vernon Square, and U-Line
22 Arena are just some of the projects, some of the exciting
23 development offerings from Douglas Development.

24 No city can move forward without development and
25 Douglas Development is, in my opinion, a premier developer with

1 a proven ability to respect, revitalize, and restore grand old
2 historic buildings that no one else is focused on. The Douglas
3 Development team consistently engages with the public in a very
4 respectful and constructive manner, and implements constructive
5 feedback into their projects, as you heard earlier, which results
6 in even stronger, well-designed projects. And that is my
7 experience as a commissioner and the experience of communities
8 throughout our city.

9 The Cotton Annex has been dormant for approximately 15
10 years and now thanks to Douglas Jemal and his wonderful team we
11 have an exciting project for housing (indiscernible) property tax
12 revenue. Creating those annual property (indiscernible) to keep
13 the city's budget balanced (indiscernible) --

14 CHAIRPERSON HOOD: Ms. Henderson? Ms. Henderson, did
15 we lose you? Ms. Henderson, we're not hearing, you're chopping
16 up. You might want to put off and come back on, we'll bring you
17 back up. You're chopping up some. I think your testimony is
18 very important for us to be able to hear it.

19 COMMISSIONER MAY: Maybe without the camera turned on?
20 It sometimes works better --

21 CHAIRPERSON HOOD: Yeah, maybe turn your camera off and
22 it might --

23 MS. HENDERSON: No, I'm --

24 CHAIRPERSON HOOD: There you go. Try it now.

25 MS. HENDERSON: The Cotton Annex has been dormant for

1 approximately 15 years and now thanks to Douglas Jemal and his
2 wonderful team we have an exciting project to provide housing and
3 retail generating at least \$2 million annually in property tax
4 revenue. Creating this annual property tax will help to keep
5 (indiscernible) down, our bond rating Triple A, and augment our
6 ability to serve the needs of our residents.

7 This project also helps the District of Columbia
8 overcome structural imbalances that underscores our fervent need
9 and quest for statehood status. This venerable, formally GSA-
10 owned building will chip away at the City's structural imbalance,
11 which is good for residents, commuters, and visitors.

12 Secondly, the project design is thoughtful and
13 aesthetically pleasing architecturally, and is a proposed LEED
14 Certified Gold construction project, which is good for the
15 environment, residents, and our entire city. The project design
16 is well executed and respects the Height of Buildings Act of 1910
17 with the proposed new construction height, as we've already
18 heard, at 118 feet, while leaving the historic original Cotton
19 Annex building intact.

20 The requested relief is depicted in the Applicant's
21 zoning analysis, the several diagrams, including Exhibit 11-A1,
22 and it appears to be largely technical and enhances the overall
23 design integrity of the project, underscoring the kind of
24 detailed problem solving Douglas Development is known for.

25 The project meets the standards of affordable housing

1 creation outlined in the inclusionary zoning provisions
2 administered by the DC Office of Planning. I acknowledge that
3 the City has a far greater need for affordable housing. I look
4 forward to all developers including affordable housing in their
5 respect projects even outside of inclusionary zoning, which is
6 why I asked Mr. Millstein on November 13th to be on my Affordable
7 Housing Task Force Committee, along with other developers. I am
8 glad to hear that that idea has actually gained some traction and
9 certainly I look forward to your participation, Chairman Hood.

10 Finally, the Cotton Annex project is an exciting and
11 creative project that will absolutely enhance, revitalize, and
12 strengthen the National Mall area, community and our city. The
13 Advisory Neighborhood Commission 6D, DC Office of Planning's
14 Historic Preservation Office, U.S. Commission of Fine Arts, and
15 the Committee of 100 on the Federal City support this beautifully
16 designed project, and I join them without hesitation. I urge the
17 Zoning Commission to approve Case 20-34, allowing this impressive
18 project to move forward without delay.

19 I appreciate the opportunity to offer my testimony and
20 I certainly welcome any questions you have.

21 And I think that this is an exciting opportunity to
22 really restore a project that's long overdue. So, in this case,
23 what's old is new again and in an exciting way, and I'm really
24 happy to be a part of this process. Thank you.

25 CHAIRPERSON HOOD: Thank you very much. Just hold

1 tight to see if we have any questions in a few moments.

2 Mr. Padro? Mr. Padro?

3 (Pause)

4 CHAIRPERSON HOOD: Can you hear Mr. Padro? Is he --

5 MADAM SECRETARY: He's still muted.

6 CHAIRPERSON HOOD: Yeah. Mr. Padro, you're on.

7 (Pause)

8 COMMISSIONER MAY: He might be having the same problem
9 that I was having the other day.

10 CHAIRPERSON HOOD: Okay.

11 COMMISSIONER MAY: You've got to mess with the
12 microphone settings.

13 CHAIRPERSON HOOD: We'll come back. Any questions for
14 Ms. Henderson?

15 Okay. Does the Applicant have any questions for Ms.
16 Henderson?

17 MR. HUGHES: No, sir.

18 CHAIRPERSON HOOD: Okay. And, Mr. Chairman, do you
19 have any questions for Ms. Henderson? Chairman Daniels?

20 MR. DANIELS: No, sir.

21 CHAIRPERSON HOOD: Okay, all right. Well, thank you,
22 Ms. Henderson. We appreciate your testimony. And I'm not sure
23 if we have a copy, if you could provide a copy for the record
24 that would be most appreciated.

25 Mr. Padro, are you available?

1 MS. HENDERSON: Ms. Schellin has a copy of my testimony
2 for the record.

3 CHAIRPERSON HOOD: Okay, great. Thank you.

4 Mr. Padro? Okay, I'll tell you what, we'll give Mr.
5 Padro some time.

6 Ms. Schellin, let's see if we can bring -- how many do
7 we have in opposition?

8 MADAM SECRETARY: We have two in opposition, Mr. and
9 Mrs. McKinney, Coy McKinney, Pamela McKinney, and that completes
10 the public testimony this evening.

11 CHAIRPERSON HOOD: Okay.

12 MADAM SECRETARY: All right?

13 CHAIRPERSON HOOD: All right. Thank you.

14 Mr. Padro, are you ready?

15 Okay. Well, let's go with Ms. McKinney, Ms. Pamela
16 McKinney, would you like to go first?

17 MS. KINNEY: Sure. Thanks. Thanks, Commissioners. I
18 would just like to bring up -- sorry, I have the baby -- bring
19 up about affordable housing. It's ridiculous because ten, that
20 is nothing. And I just don't believe it when they say they can't
21 make it work. How much money are you making off of this project?
22 If you really care about affordable housing and creating a better
23 world for our kids and a better city for our kids, and in the
24 movement of Black Lives Matter and wanting to be a better person,
25 it's unconscionable that you say you did the best you can because

1 I know you're making a ton of money off of this project. And I
2 just -- unfathomable, sorry.

3 Then the other part that brings -- and I didn't
4 understand this, but now I do from being here, is about the CBA
5 agreement and that it's not under the purview of the Zoning
6 Commission, so now I'm wondering whose is it. Because our
7 Commissioner, Andy Litzky (phonetic), who I don't think he had
8 nefarious means for this at all, voted in favor of this project
9 for a CBA agreement in which he sits on the foundation of a five-
10 member board that will then decide where this \$100,000 goes in
11 the middle of a rent crisis or in DC.

12 I've personally been to the food -- where they give out
13 food every other week at a pantry here and seen the number of
14 people waiting to get food. And they give it instead to the
15 Southwest Community Foundation with no strings attached and no
16 concerns about any conflict of interest, nor is this brought up
17 at the ANC public last week? I only found out because I wanted
18 to know more about this foundation. It's just ridiculous. It's
19 so offensive and I'm just -- sorry, I'm just really -- just
20 annoyed. And I'm waiting for someone to do something about this
21 and say that, oh, you know what, this is our responsibility and
22 we are not just coming to the Zoning Commission, we're going to
23 all other places that we can to try and change this and bring
24 more affordable housing and bring -- and raise the outcomes for
25 Black and Brown residents of Southwest and the City as a whole.

1 But thank you.

2 CHAIRPERSON HOOD: Okay. Thank you, Ms. McKinney. I
3 don't want you to leave thinking that public benefits are not in
4 our purview, but there are certain times when they is and there's
5 certain -- that they are and there are certain times that they're
6 not. This is a design review case and it's not. In the planning
7 or development, it is; in a variance, it isn't. So there are
8 certain scenarios or certain situations when it's -- you'll hear
9 us talking about it.

10 So I don't want you to leave here thinking, well, I
11 thought Chairman Hood said it wasn't in their realm, but it
12 depends on the type of case we're listening to is whether it's
13 in our realm or not. So I wanted to make sure I clarified that
14 to begin with.

15 So let me see. Are there any other questions --

16 MS. MCKINNEY: Thank you.

17 CHAIRPERSON HOOD: Are there any other questions,
18 Commissioners? Okay, I'm not seeing -- okay.

19 Does the Applicant have any questions or comments -- I
20 mean cross, I'm sorry, cross.

21 MR. HUGHES: I'm sorry, I was muted. No, sir, no
22 questions.

23 CHAIRPERSON HOOD: Okay. Chairman Daniels, any cross?

24 MR. DANIELS: I don't have cross questions; I have
25 comments, if that's allowed. No? Okay.

1 CHAIRPERSON HOOD: It's not --

2 MR. DANIELS: I don't have any questions; I have
3 comments, but I don't have any questions.

4 CHAIRPERSON HOOD: Okay. Let me ask you this --

5 MR. DANIELS: I'm sorry, I do have a question. I'm
6 sorry, I do have a question.

7 CHAIRPERSON HOOD: Okay, go ahead.

8 MR. DANIELS: So I guess my question to you, Ms.
9 McKinney, would be, the ANC discussed the Cotton Annex on -- in
10 our February meeting, as well as our March meeting, I'm just
11 curious as to why these concerns were not brought up during either
12 of those meetings, during community concerns or during the public
13 feedback during the segment on the agenda items of the Cotton
14 Annex on either of those meetings?

15 MS. MCKINNEY: As you might have heard, I have a small
16 baby, so for me to attend a six-hour-long meeting where you don't
17 even get to like a discussion until midnight is impossible for
18 me. I have emailed the ANC and asked it for videos of --
19 recordings of the meetings and no one ever responded to me. I
20 also have emailed Mr. -- Commissioner Wise (phonetic), because I
21 know he voted in opposition to the case, to understand more about
22 why he did.

23 MR. DANIELS: Thank you.

24 CHAIRPERSON HOOD: Okay. Are you finished your
25 questions, Chairman Daniels?

1 MR. DANIELS: I am.

2 CHAIRPERSON HOOD: Okay. Thank you.

3 All right, Mr. McKinney?

4 MR. MCKINNEY: Hold on one second (indiscernible) --

5 CHAIRPERSON HOOD: Mr. McKinney, we --

6 MR. MCKINNEY: -- yeah, can you hear me?

7 CHAIRPERSON HOOD: -- can't hear you. I can't hear you
8 that well.

9 MR. MCKINNEY: Can you hear me now?

10 CHAIRPERSON HOOD: No, I can't hear you that well. You
11 might want to turn up -- turn up something.

12 (Pause)

13 CHAIRPERSON HOOD: Why don't you take a moment and
14 reboot? Can you reboot?

15 MR. MCKINNEY: Okay. Can you hear me now?

16 CHAIRPERSON HOOD: Yeah, I can hear you now, yeah.

17 MR. MCKINNEY: Okay, all right. Thank you. Yeah, so
18 I've been up here enough times that you can probably predict what
19 I'm going to say.

20 And so, to be perfectly honest, I'm pretty disgusted
21 by this project. In Mr. Millstein's soliloquy about affordable
22 housing, he left out some information about these following
23 Douglas Development projects. So there's 557 units that are
24 planned at Dave Thomas Circle, zero of those unites are going to
25 be affordable. There's 453 units at River Point and Buzzard

1 Point, zero of those units are going to be affordable. Now we
2 have this 600-unit project for Southwest and 50 of those are
3 going to be affordable. So Douglas Development is bringing over
4 a thousand units to Southwest and only 50 will be affordable.
5 That's five percent.

6 So to talk about, you know, you really care about
7 affordable housing, all that stuff means very little to me when
8 I don't see that backed up.

9 So now on to this project. So, after the shameful five
10 industry project, Commissioner -- the Commissioner said that they
11 basically didn't want to have another case like that and that it
12 was very painful, yet here we are again with another project with
13 a pitiful amount of affordable housing during an affordable
14 housing crisis, and yet no one seems to be able to do anything
15 about it. As a resident who cares enough about justice to keep
16 spending my time and energy participating in these hearings, this
17 is completely disheartening. It represents another failure of
18 the people who you're entrusted to look out for the neighborhood,
19 not actually standing up for justice.

20 The stipulations agreed by our ANC are simply not good
21 enough given what has happened in our neighborhood. It's well
22 documented that bids are actually tools of gentrification, they
23 grease the gentrification machine. Market-rate units and IZ
24 units are required by the comprehensive plan in Section 81.1.5
25 and they're supposed to be indistinguishable from IZ units. So

1 that's not something -- they should be doing that regardless.

2 And then the clear, elementary-level conflict of
3 interest that existed in the CBA. So Andy Litzky -- as my wife
4 just said -- Andy Litzky sits on the board of the foundation
5 that's going to get this \$100,000 donation. Then he voted, he
6 voted for the project and participated in negotiating it.

7 So, again, this is \$100,000 that -- how is that going
8 to help the community? In a previous grant that they got, it
9 was \$250,000 from Mill Creek, they used to give that to the bid
10 to do a study of parks in the neighborhood, like -- and the result
11 of that was that it was going to be -- it was going to take
12 millions of dollars to do this project. So that was -- that's
13 what they spent the \$250,000 on.

14 So, anyway, at the behest of Chairman Hood, I met with
15 the Office of Planning in December and, working with a fellow
16 Southwest Action neighborhood resident, who also cares about
17 affordable housing, we actually came up with language to submit
18 to the Office of Planning to change the regulations. We haven't
19 heard anything back on that.

20 The development committee that Commissioner Daniels
21 mentioned, well, members of Southwest Action asked the ANC to
22 start that last year and we still haven't heard any feedback on
23 that.

24 So we're trying, we're spinning our wheels. We're
25 trying our best to get some movement with affordable housing and

1 | for these developers to actually be held to a higher standard and
2 | we're not getting anything. So, developers, legal team, Zoning
3 | Commissioners, Office of Planning, ANCs, please, we have got to
4 | step this up a little bit more than what we're doing right now.
5 | Thank you.

6 | CHAIRPERSON HOOD: Thank you, Commissioner McKinney.
7 | I'm going to go first. As you noticed, I've taken an interest
8 | in your comments and, like I told you, I don't disagree with you.
9 | When I had the same issues that you had, I would -- but on
10 | different topics with the former Mayor for Life (indiscernible)
11 | but putting this somewhere to try to make a difference on that
12 | topic and that's how I got to the Zoning Commission in 1998. I
13 | was first appointed by Marion Barry, the late Mayor for Life, and
14 | I've served five mayors.

15 | So what I'm saying is -- and I read your testimony and
16 | I was waiting to get to you because I read your testimony, you
17 | said you -- I think you said you had a seven -- I'm going off
18 | the top of my head, so forgive me -- you have a seven-month-old
19 | and you could be doing something better than writing testimony
20 | and coming in front of us and not seeing any results. Some of
21 | the results I have been trying to get for years -- not on
22 | affordable housing, but some other issues it's taken 15, 20 years.
23 | It looks like you -- I don't know if you can still hear me, but
24 | what I want to encourage you to do is -- and I'm going to see
25 | how far, Commissioner McKinney, how far I can go. It looks like

1 we've got a lot of task forces in that, from what I'm hearing.
2 I'm glad to see Commissioner Henderson had -- I didn't know that.

3 I have not seen or heard about any language you had,
4 but I do know, the language that you provided -- which I don't
5 know what you've provided, I haven't seen that -- I am going to
6 follow up with (indiscernible) because now this is -- all this
7 is on my radar. I'm going to see how far I can go and see if we
8 could do some type of work group -- and there may be one already
9 out there (indiscernible) there's one out there, but in the
10 meantime I believe to relook at this -- and we don't need, I
11 don't think, 30 people on it, we won't get anywhere, but I think
12 11, what's representative or whatever the number may be. I'll
13 work with Office of Planning, they'll probably work with
14 (indiscernible) and others and the residents. Let's try to put
15 ANCs -- let's try and put something together.

16 But I do know my recommendation is going to be Chairman
17 Daniels and you, Mr. McKinney, as well, because I think you all
18 bring a lot to the table. You're in the Southwest part; we're
19 going to need somebody in another part. And I've been
20 thinking about this, I don't even know if my colleagues are in
21 support, I'm not sure, but I know that I agree, something needs
22 to be done, like we need to start moving. I'm going to try in
23 my humble way to find out until I get cut off and told, no, you
24 can't do that. So that's where it is.

25 Commissioners, do you have any questions or comments?

1 Commissioner May? Commissioner Shapiro? Commissioner Turnball?
2 And Vice Chair Miller?

3 Does the Applicant have any cross?

4 MR. HUGHES: No, sir, nothing.

5 CHAIRPERSON HOOD: And does Chairman Daniels have any
6 cross?

7 MR. DANIELS: No cross questions. I do have comments,
8 if -- sorry.

9 CHAIRPERSON HOOD: Well, I mean comments to what he
10 said or you have questions of him? Can you put your comments in
11 a question to Mr. McKinney?

12 MR. DANIELS: No.

13 CHAIRPERSON HOOD: Okay.

14 MR. DANIELS: No.

15 CHAIRPERSON HOOD: Okay. I want to make sure I stay
16 within the law, so thank you.

17 All right. So thank you, Mr. McKinney. We appreciate
18 your testimony and taking the time.

19 Okay. Mr. Padro, I see you've joined us.

20 MR. PADRO: Yes.

21 CHAIRPERSON HOOD: You may begin.

22 MR. PADRO: Thank you. Good evening, Mr. Chairman and
23 members of the Commission. I'm Alexander M. Padro, Executive
24 Director of Shaw Main Streets, and a former 20-year ANC
25 Commissioner representing the Shaw neighborhood.

1 I appear before you this evening to share my
2 experiences with the Applicant in this case, which contrast
3 dramatically with the concerns expressed by some Southwest
4 residents in written submissions of this case.

5 Shaw Main Streets was founded in 2003 to help guide the
6 redevelopment of central Shaw. We invited Douglas Development
7 to be a partner in our efforts to transform a drug-and-crime-
8 plagued neighborhood that the developer was a significant
9 property owner in because of their extensive experience in mixed-
10 use development incorporating historic fabric. Over the ensuing
11 nearly 20 years, Douglas Development has proven to be the sine
12 qua non of the transformation of our neighborhood into an
13 internationally recognized dining and entertainment destination;
14 has won awards for our success in preserving and supporting legacy
15 businesses and affordable housing.

16 Shaw Main Streets includes parts of five different
17 historic districts in three wards, initially including multiple
18 large DC Government-owned parcels. Our commercial corridors had
19 been devastated by the 1968 riots and subsequent public and
20 private sector disinvestment. The only development that had
21 taken place in previous decades was affordable housing, mostly
22 built by churches and nonprofits.

23 Douglas Development's strength is in mixed-use
24 development. Their reputation for incorporating our city's
25 architectural patrimony into 21st century projects has garnered

1 the company numerous awards. Signature projects include the
2 Wonder Bread and 655 New York Avenue projects in Shaw and Hecht's
3 Warehouse in Ivy City, and the (indiscernible) through Chinatown
4 and (indiscernible). Each of these projects has featured the
5 painstaking restoration of historic buildings that other
6 developers sought to demolish.

7 Lesser known is how Douglas Development has worked with
8 advisory neighborhood commissions and community organizations to
9 ensure that their development projects address community
10 objectives wherever possible. In Shaw Main Streets' experience,
11 Douglas Development has been the textbook definition of a good
12 neighbor.

13 In my experience as an economic development
14 professional and elected official, I can attest to Douglas
15 Development being one of the most community-minded developers in
16 our city. Even before ground was broken on their first project
17 in Shaw, Douglas Development reached out to me and other
18 individual institutional stakeholders to understand community
19 needs and priorities and support the improvement of the
20 neighborhood.

21 At the time, Shaw was a majority African American
22 neighborhood with numerous poverty-stricken census tracts. We
23 had more vacant and boarded-up retail spaces than occupied ones,
24 and many residential blocks were characterized by crack houses,
25 long-vacant haunted houses, and surface parking lots. Douglas

1 Development supported the efforts of nonprofits and faith-based
2 organizations in the neighborhood, but sought to organize the
3 neighborhood's residents in their efforts to begin the
4 (indiscernible) both financially and with the donations of
5 volunteers and labor.

6 Douglas Development also supports philanthropic
7 initiatives targeting lower-income residents such as supporting
8 them with backpacks for school children and turkey dinners at
9 Thanksgiving. This support continued during and after the
10 completion of the neighborhood's renaissance and continues to
11 this day, even in these challenging times.

12 Douglas Development founder Douglas Jemal walks the
13 talk. Our neighborhood and others throughout the City count Mr.
14 Jemal as a friend, as do I.

15 All this being said, Douglas Development is not an
16 affordable housing development. Knowing the challenges inherent
17 in creating affordable housing, no stakeholder should expect
18 Douglas Development to build a significant amount of affordable
19 units in a mixed-use development like the Cotton Annex. Having
20 struggled to try to create all affordable buildings in Shaw, only
21 to see these efforts fail due to insufficient government
22 subsidies and market realities, Shaw Main Streets knows that
23 expecting for-profit developers to generate any more than the
24 minimum number of affordable units required under IZ or DC
25 Government Land Acquisition requirements is unreasonable and

1 unattainable.

2 Shaw Main Streets is not a stakeholder in the Cotton
3 Annex development, but if the site was in our service area we
4 would welcome the opportunity to work with Douglas Development
5 to create such a well-designed mixed-use project that will bring
6 new vibrancy and commercial activity to an area so sorely in need
7 of revitalization and amenities.

8 I am prepared to answer any questions that the
9 Commission and proponents or opponents of this project may wish
10 to pose regarding Shaw Main Streets' experiences in working with
11 Douglas Development to create successful mixed-use projects that
12 contribute to the enhancement of communities.

13 Thank you.

14 CHAIRPERSON HOOD: Thank you, Mr. Padro, for your
15 comments. I do hear the ringing endorsements of Douglas
16 Development across the City. You hear it all the time, so you
17 just affirmed that. You're on one side, the tenants is somewhere
18 else and probably (indiscernible) somewhere else. So I
19 appreciate your testimony and taking the time to come down and
20 present it to us in this particular case.

21 Let's see if we have any questions or comments.
22 Commissioner May? Commissioner Shapiro? Commissioner Turnball?
23 And Vice Chair Miller? Okay.

24 Mr. Hughes, do you have any questions --

25 MR. HUGHES: No, sir.

1 CHAIRPERSON HOOD: -- or comments? Okay.

2 Chairman Daniels, any questions or comments?

3 MR. DANIELS: No, sir.

4 CHAIRPERSON HOOD: Okay. Thank you, Mr. Padro. We
5 appreciate you coming down and providing testimony. And
6 hopefully we have it for the record as well.

7 MR. PADRO: Yes, you do.

8 CHAIRPERSON HOOD: Okay. Thank you.

9 All right, Mr. Hughes, as to rebuttal and --

10 MR. HUGHES: Uh -- I'm sorry, go ahead.

11 CHAIRPERSON HOOD: -- rebuttal and closing?

12 MR. HUGHES: Okay. So we don't have any rebuttal, I'll
13 just jump into our closing and I'll keep it quick.

14 As you can tell from our presentation, the Applicant
15 is very excited to bring new life to this long-dormant landmark,
16 as it's done successfully in so many projects and every quadrant
17 of the district, as you've heard from the kind words of the
18 proponents this evening. In the process, this building will
19 bring hundreds of new households and retail to this historical
20 federal -- quiet federal office precinct, which fulfills an
21 overarching goal of the Maryland Avenue Southwest Plan, namely
22 to diversify the use mix and bring a critical mass of new foot
23 traffic to the area in order to enliven it.

24 Through our testimony and submissions to the record,
25 we believe we fully comply with the applicable burdens of proofs

1 to support your approval of our request for special exception
2 related to D-8 Zone and area variance relief related to courts
3 and building density.

4 I'd like to take a moment again to thank the Office of
5 Planning, the Historic Preservation Office, and DDOT for their
6 receptiveness and help in improving the application over the last
7 several months. I'd also like to thank Chairman Daniels and the
8 ANC for their critical review and helpful input.

9 And, finally, I'd like to thank you all for your time
10 and consideration of the application, and request that you
11 approve Application Number 20-34. Thank you.

12 CHAIRPERSON HOOD: Thank you, Mr. Hughes. We
13 appreciate the testimony of everyone tonight, pro or con, whether
14 you're in favor or against.

15 So, my colleagues, any follow-up questions or comments?
16 Commissioner May, you're reaching for your --

17 COMMISSIONER MAY: I don't have any -- I do not have
18 any follow-up questions. I'm wondering what our intention is, I
19 mean, whether we're going to go ahead and deliberate tonight or
20 -- because I didn't hear a whole lot of requests for additional
21 information.

22 CHAIRPERSON HOOD: I actually don't remember any --

23 MADAM SECRETARY: There is additional information
24 that's due to come in. This is a one-vote case, so if there is
25 information that's supposed to come in, then we'd have to --

1 COMMISSIONER MAY: Right, at the --

2 CHAIRPERSON HOOD: So let me ask this --

3 MADAM SECRETARY: -- but I didn't hear anything.

4 CHAIRPERSON HOOD: -- let me cut to the chase, did
5 anybody ask for any additional information?

6 MADAM SECRETARY: No.

7 CHAIRPERSON HOOD: I know I didn't.

8 COMMISSIONER MAY: Vice Chair Miller, I think, sort of
9 did. I don't know.

10 VICE CHAIR MILLER: I sort of did about additional
11 information on the 50-percent (indiscernible) housing space,
12 affordable housing space that's triggered by the penthouse. They
13 provided verbal information, which I think satisfies me, but I'll
14 -- I'll defer to my colleagues or the chairman on that point.

15 MR. HUGHES: Mr. Chairman, may I make a brief comment
16 on that?

17 CHAIRPERSON HOOD: No. Hold on one second, Mr. Hughes.

18 MR. HUGHES: Okay.

19 CHAIRPERSON HOOD: Unless it's going to -- unless, Vice
20 Chair Miller, if you want to hear something more, but if it
21 satisfies -- again, like I said the other night, it's
22 (indiscernible) but whatever they mentioned to you, if it
23 satisfies your comment, then we can go ahead and proceed. If
24 not, if you want to hear more from Mr. Hughes, we can do that
25 now. So I'll leave that up to you; that's your question.

1 VICE CHAIR MILLER: When would the one vote be if we
2 put it off to one vote, if we put off the vote tonight?

3 MADAM SECRETARY: It would be -- it wouldn't be until
4 April 8th.

5 (Pause)

6 VICE CHAIR MILLER: Well, if -- unless the -- unless
7 that three-week delay is going to jeopardize or give the Applicant
8 some major grief -- and I understand there's still things to be
9 worked out, that they're still working out with GSA, for example
10 -- I think it would be useful to have on the record exactly what's
11 being triggered by the -- what affordable housing is being
12 triggered by the rooftop habitable space.

13 COMMISSIONER MAY: So --

14 CHAIRPERSON HOOD: Mr. Hughes -- let me just ask this
15 -- Mr. Hughes, I'm going to be fair, I'm going to come back to
16 you after I hear from Commissioner May, but let me ask you, if
17 you can answer that tonight --

18 MR. HUGHES: Yes.

19 CHAIRPERSON HOOD: Okay. Commissioner May?

20 COMMISSIONER MAY: Yeah, I just want to make the
21 observation that I'm going to be out on April 8th. So I would
22 like to be able to participate in the decision-making. I mean,
23 I guess I could do an absentee ballot, but it would be great if
24 we could resolve it and decide tonight.

25 CHAIRPERSON HOOD: Let's see, let's see. Mr. Hughes,

1 I'm going to turn it over to you to resolve tonight.

2 MR. HUGHES: Well, yes, thank you, Mr. Chair.

3 Commissioner Miller, I believe your question was the
4 amount of the penthouse square footage for penthouse habitable,
5 and the number is 12,552 square feet. And because of that
6 penthouse habitable space, there is no conversion of gross floor
7 area to net floor area. So eight percent of that amount, that
8 entire amount would be -- would be set aside for inclusionary
9 units at 50 percent MFI and that total equals 1,004 square feet.

10 As our IZ plan notes, we're still working the location
11 and the unit mix out, but that is the number of -- the 1,004
12 square feet is the amount of affordable housing generated from
13 the penthouse.

14 VICE CHAIR MILLER: And will that be at the 50 percent
15 MFI level?

16 MR. HUGHES: It will.

17 VICE CHAIR MILLER: Okay. Well, then that satisfies
18 my -- that answers my question. Thank you.

19 CHAIRPERSON HOOD: Okay. So, thank you. I'm going to
20 ask everyone else to mute. I think this is ready for -- well, I
21 would be voting in favor -- I think this is ready for our
22 deliberation. I think it meets the design review case of the D-
23 8, as noted. I think the merits of this case specifically
24 warrants this and I'm glad that we were able to satisfy Vice
25 Chair Miller's issue.

1 This is one of the cases where I don't think we need
2 to hold up because I think we've got many that we will be holding
3 up and I think this is pretty straightforward, so -- and I think
4 the record is complete.

5 So let me open up any questions or comments.
6 Commissioner May?

7 COMMISSIONER MAY: Yeah, Mr. Chairman, I completely
8 agree with you, I think the case has been made.

9 I do want to make some comments about the case -- not
10 so much about the case, but about some of the comments we received
11 about it. And I'm very grateful for the thorough effort that
12 the Applicant has made and the facts of the case and how it meets
13 the requirements are clear.

14 I will note that we've received numerous letters in
15 opposition and, while I am sympathetic to the desire to see more
16 affordable housing, including in the project, it's not a PUD and
17 the IZ components are not on the table. We also heard testimony
18 tonight about this as well.

19 Frankly, some of the things that I read in the record
20 are upsetting, and I just want to comment on those.

21 First, there were disparaging comments that were made
22 about Douglas Jemal and Douglas Development. I think these
23 comments do not reflect a very thorough understanding of Douglas'
24 involvement in the community over the years and their efforts to
25 develop parts of the City, particularly in the last 20 years or

1 | so. I will not go into the details or claim that Douglas
2 | Development is perfect, I don't think anybody is perfect, but
3 | what we have always seen on their projects I think is an
4 | exceptional effort to address the concerns of the ANC and the
5 | neighbors, and I can't think of another developer who has come
6 | before this Commission who tries harder to satisfy all of the
7 | various stakeholders.

8 | Regarding the disparaging comments made about
9 | Commissioner Andy Litzky, I also think that shows a lack of
10 | understanding of the history of the development in Southwest and
11 | the crucial role that Commissioner Litzky has played in
12 | maximizing the benefits for the Southwest community. I can't
13 | think of a single ANC Commissioner anywhere in the City who has
14 | worked harder or accomplished more when faced with such massive
15 | development in his community. The Wharf project alone, which is
16 | probably the biggest development project that has made its way
17 | through the Zoning Commission in my 18 years on the Commission.
18 | And I have 18 years -- I know, Mr. Chairman, you have more, but
19 | then again, you're the Chairman for life, so you're going to have
20 | more.

21 | Anyway, that really took an extraordinary effort. The
22 | Zoning Commission's meeting alone took dozens of hours and
23 | Commissioner Litzky's effort were more than just those meetings,
24 | but I'm sure hundreds of hours of meetings with the community,
25 | with the ANC specifically and with the developer, and hammering

1 out the deal with the developer, I mean, I know that was an
2 extraordinary effort.

3 Finally, I'm certain that everything Commissioner
4 Litzky has done in his work for the ANC and the Southwest
5 Community Foundation has been done to benefit the Southwest
6 community.

7 So I believe the Zoning Commission will always want to
8 have robust community input on all the projects we review and we
9 certainly welcome everything that people want to say. I would
10 just caution that important testimony can be undermined by
11 unnecessary and irrelevant commentary.

12 So I am very glad to be voting in favor of this and I
13 look forward to having constructive dialogue with all the members
14 of the Southwest community in future projects.

15 CHAIRPERSON HOOD: Thank you, Commissioner May.

16 Commissioner Shapiro, any comments or discussion?

17 COMMISSIONER SHAPIRO: No, I have nothing further, Mr.
18 Chair. I'm ready to take action.

19 CHAIRPERSON HOOD: And Commissioner Turnball?

20 COMMISSIONER TURNBALL: Mr. Chair, I would echo
21 Commissioner Shapiro, I'm ready to go ahead and vote on this.

22 CHAIRPERSON HOOD: Okay. And Vice Chair Miller?

23 VICE CHAIR MILLER: Thank you, Mr. Chairman. Yeah,
24 nothing specific on the case before us, but just in general in
25 response to your comments, yes, you do have support of your

1 | colleagues to do whatever you can do in your leadership role in
2 | the City to advance, as you have in the past, affordable housing
3 | development and maintenance throughout the City.

4 | And we, as a Commission, I just would add, you know,
5 | our having had just a year and going forward, are considering
6 | refinements to the inclusionary zoning. The one little
7 | affordable housing tool we have in our toolbox, just one tool,
8 | we are making refinements, I know, to strengthen it, to increase
9 | its application, to expand its application. We hear the
10 | frustration, we share the frustration of our neighbors for the
11 | affordable housing needs and crisis that exists in our city. You
12 | know, we can always do more.

13 | A comment was made that, you know, incremental, one
14 | percent, two percent isn't the answer. I agree it's not the
15 | answer, but I never would want to make -- and I'm sure the person
16 | who -- the speaker who said this wouldn't want to make the perfect
17 | the enemy of the good. It isn't enough affordable housing, but
18 | we do have affordable housing requirements in our IZ regulations,
19 | we're looking to strengthen them in whatever way we can. This
20 | is a program, remember, that exists without public subsidy of any
21 | sort for affordable housing, which requires all stakeholders to
22 | participate so that it can lawfully survive any challenges, which
23 | it hasn't had. It's important to note that, it hasn't had a
24 | challenge. And we will stretch it as far as we can take it, but
25 | there's only so much farther you can take it when you're dealing

1 with private property that doesn't have a public subsidy, that
2 doesn't have public benefits and amenities that are part of the
3 review process, but we're looking to change that as well.

4 So we're looking at ways we can do what we -- the little
5 we can do to make a difference, a positive difference for
6 affordable housing in the City. And this case does provide 50
7 units on the Mall. There are hardly any residential units that
8 exist on the Mall, I don't know if there are any right now at
9 all. So, I mean, it is groundbreaking in terms of that aspect
10 and hopefully we can continue that progress forward.

11 Thanks for letting me go on my little soapbox, Mr.
12 Chairman.

13 CHAIRPERSON HOOD: That's all right. I think we all
14 have our chance to do that.

15 I really appreciate Commissioner May's perspective and
16 putting it in perspective. I like the way he worded it because
17 it's all true. I am behind those comments a hundred percent.

18 And, Vice Chair, I appreciate the support. While I
19 don't know exactly what to do because, every time I do something,
20 you know where it ends up, but I'm going to keep trying. I'm
21 not going to let that deter me.

22 A lot of us -- you know, people don't know -- first of
23 all, we're human too, and sometimes we try our best and we also
24 have feelings, but guess what? We're up to the job, I'm up to -
25 - I'm up to getting beat up. Because if it's going to be a better

1 outcome for the residents of the District of Columbia, keep on
2 beating me up, because I'm going to keep on working hard. Keep
3 on coming because, every time you come, I'm going to be like
4 Muhammad Ali used to say, I'm going to keep on -- I'm going to
5 swing myself out the corner. So keep coming at me.

6 But I will tell you that it's a lot that goes into
7 certain equations. We get a lot of legal advice that we have to
8 follow. And it's easy to be on the outside looking in and think
9 that things just happen. I know Douglas Development and Paul
10 Millstein and others have worked hard in this city. I've even
11 gotten to the point that every time -- well, Douglas is going to
12 be doing this, they're going to be supporting this again. In
13 other conversations and other walks of life I hear, well, Douglas
14 is going to be supporting this again. They say, well, everybody
15 goes to Douglas, is there somebody else out here that's developing
16 this city that you can go to?

17 So we know their commitment. And I appreciate Mr.
18 Padro coming in and bringing their commitment in. And I think
19 it is what it is.

20 So here's the thing. What I would encourage my
21 colleagues, we get beat up on, but guess what? All of us are
22 here for a reason at this particular time, let's keep on working
23 hard for the residents of the City like we're doing, but everybody
24 might not appreciate it.

25 I can tell you this, for every one person that doesn't

1 appreciate, there's probably a hundred out there or 300 that
2 appreciates what we do. So keep on doing what we're doing.

3 And, at this point, I am ready for somebody to make a
4 motion because I'm not going to make it, and do a second. Would
5 someone like to make a motion?

6 COMMISSIONER SHAPIRO: Sure, Mr. Chair. I move that
7 we approve Zoning Commission Case Number 20-34, Jemal's Cotton
8 Annex, LLC special exception review in the D-8 Zone, and I look
9 for a second.

10 VICE CHAIR MILLER: Second.

11 CHAIRPERSON HOOD: It has been moved and properly
12 second. Any further discussion?

13 Ms. Schellin, would you do a roll call vote, please?

14 MADAM SECRETARY: Commissioner Shapiro?

15 COMMISSIONER SHAPIRO: I vote yes.

16 MADAM SECRETARY: Commissioner Miller?

17 VICE CHAIR MILLER: Yes.

18 MADAM SECRETARY: Commissioner Hood?

19 CHAIRPERSON HOOD: Yes.

20 MADAM SECRETARY: Commissioner Turnball?

21 COMMISSIONER TURNBALL: Yes.

22 MADAM SECRETARY: Commissioner May?

23 COMMISSIONER MAY: Yes.

24 MADAM SECRETARY: The vote is 5-0-0 to approve Zoning
25 Commission Case Number 20-34, that is final action.

1 If we could have a draft order from the Applicant, say
2 by April 1st, that would be great.

3 MR. HUGHES: We're pleased to do so. Thank you very
4 much. Is there any way that we -- is there any sort of an
5 expedited process for an order that we could take advantage of?

6 MADAM SECRETARY: There is no expedited process for any
7 order at this point. Did you watch our hearing before the OP
8 committee today? We have 40 (indiscernible) --

9 MR. HUGHES: No, I didn't have a chance, I'm sorry.

10 MADAM SECRETARY: -- already ahead of you.

11 MR. HUGHES: Well, thank you all very much for your
12 time. Thank you.

13 MADAM SECRETARY: I don't know that we can have a
14 summary order because there was some opposition, so you need --

15 MR. HUGHES: Understood --

16 MADAM SECRETARY: -- to address that.

17 MR. HUGHES: -- understood. Got it. Thank you all.

18 MADAM SECRETARY: Okay.

19 CHAIRPERSON HOOD: Okay. So let me just say I thank
20 everyone for their participation tonight. And Chairman Daniels
21 and Mr. McKinney, I'm not sure where it's going to go, but it's
22 not off my radar. I appreciate the support of Vice Chair and
23 all my colleagues. Let's see what happens. I know we won't be
24 taking the lead, but we can at least try to initiate it.

25 Let me just thank everyone for their participation in

1 | this case tonight. And, with that, I want to mention that the
2 | Zoning Commission is going to be hearing on March the 22nd Case
3 | Number 20-31, American University. And I think we have two nights
4 | right now set aside for that, but it will be in the same place,
5 | the same Webex lines, and we'll start at 4:00 p.m.

6 | So, with that, I want to thank you for the participation
7 | tonight and this hearing is adjourned. Good night.

8 | (Whereupon, the public hearing was adjourned at 6:43 p.m.)
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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: DC Zoning Commission

Date: 03-18-21

Place: Webex Virtual Hearing

was duly recorded and accurately transcribed under my
direction; further, that said transcript is a true and
accurate record of the proceedings.

Tracey Williams

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